

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58304 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- SHEKHPURA District- Sheikhupura

Sitaram Sah @ Sitaram Saha Son of Nishapati Saha, Resident of Village
-Durgapur Sahapara, Faridpur, P.S.- Durgapur, Dist.- Bardhman, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2023 Heard Mr. Dinkar Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Braj Kishore Pd., learned
APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Excise Case No.233 of 2022 arising out of Sheikhupura
(Kusumbha O.P.) P.S.Case No.233 of 2022, registered for the
offences punishable under Sections 30(a)/41 of Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the allegation made in the FIR, total 62 ltrs.
of IMFL (Indian Made Foreign Liquor) was recovered from Tata
Indigo Car bearing Registration No.WB40AD 3560 and a
motorcycle bearing Registration No.BR27M 1152.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is not named in the FIR and



his name has surfaced on the basis of confessional statement of the Driver of the Car that the petitioner is owner of the Car, which is registered in the State of West Bengal .

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner has no concern with the said Car after he met with an accident while sitting in the said car, as such the Insurance Company is responsible for the alleged illicit act of carrying liquor in the vehicle, which is prohibited in the State of Bihar. Learned counsel further submits that the petitioner has no concern with the motorcycle, which was seized at the place of occurrence. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties as well as having perused the allegation made in the FIR, petitioner is not named in the FIR and the name of the petitioner has surfaced in course of the investigation on the basis of confessional statement of one co-accused, namely, Pawan Kumar and such confessional statement has no evidentiary value, the petitioner is directed to be released on



pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura in connection with Sheikhpura (Kusumbha O.P.) P.S.Case No.233 of 2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, this Court deprecates the manner, in which the Superintendent of Police as well as the District Administration of Sheikhpura appear to have acted in a very indolent manner by not implementing the prohibition in its true spirit. This Court time and again had directed the Chief Secretary, State of Bihar to direct all the District Transport Officers of the State of different districts to verify the real owner of the vehicles, which are specially registered in the neighbouring state or any other State as at a large scale smuggling of the liquor and hooch tragedy is not unknown. I find it proper that the matter be referred to the Chief Secretary, State of Bihar so that he may again make the Officers realize and, if wanted, he may take conscious decision to send the Excise Officials, Police Officials and the District Magistrates for their training anywhere in India or outside the county to provide



them specialized training so that smuggling of the liquor and mafia raj, which has shattered the economy of the State, may be stopped in the State of Bihar.

9.. With the above observation/direction, the present application is disposed of.

10. Let a copy of the order be sent to the Chief Secretary, State of Bihar.

(Purnendu Singh, J)

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