

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40373 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- WARISNAGAR District- Samastipur

Vijay Mahto, aged about 30 years, Male, Son of Late Somar Mahto @ Soman Mahto, Resident of Village- Ramnagar, P.S- Mathurapur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-08-2024 Heard Mr. Deepak Kumar Singh, learned counsel appearing on behalf of the petitioner and Dr. Kumar Uday Pratap, learned APP for the State.

2. Petitioner, seeks regular bail in connection with Warisnagar P.S. Case No. 270 of 2023 registered for offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Prosecution story in short is that the police caught hold co-accused Vikas Kumar @ Bittu along with 750 ml. of Indian made foreign liquor, who disclosed the name of the petitioner as the supplier of the liquor.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is not involved in the alleged occurrence and his name has transpired only on the basis of



concessional statement of the co-accused, namely, Vikas Kumar @ Bittu. Petitioner is in custody since 11.03.2024. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. This Court, time and again, has found that the state has too not been able to implement the prohibition in the State of Bihar and the reason behind that being the Excise Officials, District Transport Officers, State Taxation Officers and the Police Officers, their nexus with the organized crime also cannot be denied, which has led to the total failure of prohibition in the State of Bihar. In the present case, 750 ml illicit liquor has been recovered and that will not entitle the petitioner to be released on bail considering his past criminal history.

7. Considering the criminal history of the petitioner that he has committed one crime after another under Section 30



and other allied sections of the Bihar Prohibition and Excise Act as amended up-to-date, I am not inclined to enlarge the petitioner on bail, who is engaged in an organized crime of trade of illicit liquor.

8. Accordingly, the present bail application is dismissed.

(Purnendu Singh, J)

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