

Arising Out of PS. Case No.-451 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the present case. Petitioner has no concern with the alleged seized liquor nor he is involved in trade of illicit liquor in any



manner. The recovery was made from the wheat field of the petitioner, which is an open place and easily accessible to anyone. 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.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the recovery of 388.800 litres of illicit liquor from the wheat field of the petitioner, which is an open place and easily accessible to any one and also the fact that the State has failed to implement its liquor policy in its true spirit, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Excise P.S. Case No. 451 of 2019, subject to the condition as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. Before parting with the order, I find that this Court must not abdicate from its constitutional duty to advise the Chief Secretary to take proper care of the petitioner and his rehabilitation, having failed to carry the mandate of Article 47 of the Constitution of India in its true spirit, particularly in those case where juvenile or those who are aged between 18 to 35 years are indulged into offences relating to Excise Act, 2016.

9. Let a copy of this order be communicated to the Chief Secretary, Government of Bihar.

10. The present bail application is disposed of.

(Purnendu Singh, J)

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