

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29447 of 2020

Arising Out of PS. Case No.-53 Year-2020 Thana- ARARIA District- Araria

JITENDRA RAM Jitendra Ram Resident of Village-Champasari Prakash
Nagar, Bhakti Nagar, P.S.-Pradhan Nagar, District-Darjiling (West Bengal)
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2020 Heard Mr. Gopal Kumar Jha, learned counsel for the
petitioner and Mrs. Sharda Kumari, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with
Special Case No. 75/2020 arising out of Araria (Bairgachhi) PS
Case No. 53/2020 registered for the offence punishable under
Sections 30 (a), 38 of the Bihar Prohibition and Excise Act,
2016.

3. The allegation, as per FIR, is that the police during
vehicle checking intercepted a pickup van bearing Registration
No. WB 73D-5054 which was coming from Jokihat and upon
search of the said vehicle, total quantity of 666 litres of illicit
foreign liquor was recovered and the police arrested the driver
of the said vehicle.

4. Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has been made accused in this case because he happens to be the owner of the said pickup van which was being plied commercially on the road by its driver on hire basis. Learned counsel further submits that petitioner was not aware about the illicit liquor being transported from the said vehicle by the driver at the behest of some other person, namely, Saddam, whose name has been disclosed by the driver as would be evident from the First Information Report. Learned counsel further submits that petitioner has got no criminal antecedent.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the vehicle in question is a commercial vehicle which was being driven by its driver and petitioner has got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, petitioner, JITENDRA RAM shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No.



75/2020 arising out of Araria (Bairgachhi) PS Case No. 53/2020, subject to the conditions as laid down under Section 438(2) CrPC, and one of the bailors shall be a resident of local area residing in the territorial jurisdiction of the trial court.

7. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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