

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9949 of 2021

Arising Out of PS. Case No.-1450 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Pradip Agarwal @ Pradip Kumar Agarwal, aged about 54 Years,(M), Son Of
Rameshwarlal Agarwal Resident Of Village - 156/96/1, B.T. Road, Northern
Park, Baranagar (M), North 24, Parganas Isi Po, West Bengal-700108.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Yashraj Bardhan, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a), 36, 38 and 41 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 7800 liters
spirit is said to have been recovered from the Truck in question.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. He
has falsely been implicated in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 7800 liters spirit is recovered from the Truck in question. The name of the petitioner has transpired in the present case as being the owner of the Truck in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner has been made accused in the present case due to mistake of fact. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Special Judge, Excise, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 1450 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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