

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27557 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- ARARIA District- Araria

HARJINDER SINGH S/o Vikramjit Singh Resident of Village- Bhundari,
Police Station - Bhundari, District - Ludhiyana, State - Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ranjit Ranjan

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail,
arises out of Special Case No. 142 of 2020, Araria P.S. Case No.
95 of 2020, disclosing offences under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

The SSP, Ludhiyana has sent a report saying that
the petitioner has a clean antecedent and he is the owner of the
two trucks in question.

The learned counsel for the petitioner has also
annexed the various documents which shows that the truck was
booked for delivering the goods in Assam and while returning,
the vehicle was used by the driver for illegal smuggling. The



petitioner is the owner of a commercial vehicle and he cannot be said to have control over the vehicle while it was returning from Assam and he cannot be responsible for the vicarious liability of the illegal acts of his driver.

Considering the aforesaid fact, the application for anticipatory bail is allowed.

Let the petitioner, named above, in the event of his arrest or surrender before the Court below within ten weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Araria, in connection with Special Case No. 142 of 2020, Araria P.S. Case No. 95 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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