

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48300 of 2022

Arising Out of PS. Case No.-825 Year-2021 Thana- ARARIA District- Araria

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Dhruba Mandal @ Dhruba Mondal S/o Kamdeb Mandal @ Kamdeb Mondal
Presently resident of mohalla- 309, Ray Bahadur Road, P.O.- New Alipur,
P.S.- Behela, District- Kolkata- 700053 (West Bengal) Permanent resident of
Village- Sadhurhat, Khorda Nahala, P.S.- Ram Nagar, District- South 24
pargana, 743504, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of resumption
of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Araria P.S. Case No. 825 of 2021 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, recovery of 4239.72 liters of
Indian made foreign liquor was made from a truck and the co-
accused driver was apprehended. The petitioner is stated to be the
owner of the truck.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case merely on suspicion. He was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has got no concern with the truck seized by the police as seven months prior to the occurrence, the petitioner had sold his truck to one Sanjeet Singh. But, the registration of the truck could not be transferred in the name of the new owner. The petitioner has also informed the authorities regarding the ownership not being transferred in the name of of the owner. After selling the truck and the handing over the possession to the new owner, there is no liability of the petitioner. He has no concern with the co-accused driver who was apprehended from the spot. The co-accused driver has already been granted bail vide order dated 30.05.2022 passed in Cr. Misc. No. 62766 of 2021 by a Coordinate Bench. The case of the petitioner is on better footing. Petitioner is in custody since 21.07.2022. Charge sheet has been submitted and the petitioner is having clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the fact that the truck from which the recovery has been made is stated to be sold to some other person and further considering the submission of charge sheet



against him and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1, Araria in connection with Araria P.S. Case No. 825 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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