

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61342 of 2023**

Arising Out of PS. Case No.-230 Year-2020 Thana- MAJHAULIA District- West Champaran

Indeep Singh Bhatia, Son Of Jaswant Singh Bhatia, resident of D 140, Sector 122, P.S. - Phase - 2, Noida, Near Raghav School, Noida, Dist.- Gautam Buddha Nagar, Up, Present Residing At Flat No. P1092, P.S.- Phase -2, Ats, Vristine, Sector 150, Noida, Dist.- Gautam Buddha Nagar , U.P.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                                                      |
|----------------------|---|----------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Y.V. Giri, Sr. Advocate<br>Mr. Ashish Giri, Advocate<br>Mr. Sumit Kumar Jha, Advocate<br>Ms. Riya Giri, Advocate |
| For the State        | : | Mr. Arun Kumar Singh, APP                                                                                            |

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**CAV JUDGMENT**

Date : 22-12-2023

Heard learned Senior Counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Majhauilya P.S. Case No. 230 of 2020 instituted under Sections 284, 285, 403, 406, 407, 408, 409, 420 and 34 of the Indian Penal Code read with Sections 30(a), 31 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 25000 litres of



Ethanol alcohol was being transported from distillery Majhualia Sugar Industries Pvt. Ltd. Majhualia to IOCL, Barauni, Begusarai on 25.04.2020 under Tanker bearing Reg. No. UP53AT1786 operated by Indian Tankers Pvt. Ltd. Gorakhpur. The Excise Department Motihari, during course of raid near Old Hazara Bis Line Hotel, on the way from Muzaffarpur to Motihari recovered 4 drums of 200 litres each and 8 gallons of 35 litres each from the pickup van bearing Reg. No. BR02GA-1445 which was being used for fetching up the ethanol alcohol through a pipe with one of the chambers i.e. Chamber No.- A of tanker in question. During course of inspection of Majhualia Distillery, it was found that the illegal trade of denatured ethyl alcohol was being deliberately promoted by the management of the Majhualia distillery, agency authorized for installing digital lock and the management responsible for transportation of tanker of Indian Tankers Pvt.

4. The allegation against the petitioner is that despite repeated instructions given by Superintendent Prohibition, West Champaran, Bettiah to the Management of Majhualia Distillery, neither Dharmakanta has been arranged under the prescribed standard, nor C.C.T.V. arrangements have been made and such tankers with irregularity in which there is



no integrated arrangement of connecting rod the lower part of digital lock with the gate of the upper chambers and continuous dispatch of ethanol is being done, without the representative of the prescribed agency of the digital lock.

5. Learned senior counsel for the petitioner has submitted that the petitioner who is Chief General Manager of Majhauriya Sugar Industries Pvt. Ltd., is innocent and has been falsely implicated in this case. M/s Majhauriya Sugar Industries Pvt. Ltd. has a distillery located in Majhauriya which is engaged in production of ethanol under the permission and licence granted to it by the authority and transporting it through M/s Indian Tankers Pvt. Ltd. whose tanker after due verification, GPS and digital seal transport ethanol to various oil companies depot and the electronic locks were being provided by M/s M.S.D. Telematrix Pvt. Ltd. after due registration by Bihar Excise Department. It is further submitted that on the same fact F.I.R. bearing Excise Case No.195 of 2020 has been registered on 26.04.2020 by the Excise Inspector, Sikharna Division, East Champaran against eight accused persons including the owner, driver of tanker, pickup van and Indian Tanker Pvt. Ltd. When the petitioner came to know about such incident, the petitioner on behalf of company made complaint on 27.04.2020 to the



Police stating that truck was dispatched after following rules and regulations from the warehouse, however, subsequently the truck driver and transport company appears to have indulged in illicit siphoning of ethanol causing huge loss to petitioner company for which Majhauriya P.S. Case No.232 of 2020 was registered against transporter M/s Indian Tanker Pvt. Ltd. and the driver of the said tanker. He has further submitted that present F.I.R. implicating the petitioner on the ground of connivance is an abuse of process of law. No case is made out against the petitioner and he is entitled for anticipatory bail in this case and the petitioner shall cooperate in investigation of the case. The petitioner has two criminal antecedents.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Criminal Misc. Application is allowed. In the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with



Majhauriya P.S. Case No. 230 of 2020, subject to the conditions  
laid down in Section 438(2) of the Code of Criminal Procedure,  
1973.

**(Sunil Dutta Mishra, J)**

Ashutosh/-

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|-------------------|-------------|
| AFR/NAFR          | NAFR        |
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