

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70651 of 2023**

Arising Out of PS. Case No.-40 Year-2021 Thana- MADHEPUR District- Madhubani

Harendra Pall @ Harendra Paul S/O Purna Chandra Paul R/O Village-  
Dilsaram, Dulal Jote, Uttar Ramdhan, P.S- Dulal Jote, Distt.- Darjeeling, West  
Bengal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      09-11-2023                      Heard Mr. Jitendra Kumar Bharti, learned counsel for  
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Madhepur P.S. Case No. 40 of 2021 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

3. Allegedly, in course of patrolling, the police intercepted one six wheeler truck bearing registration no. WB73A 0043. However, noticing the police party, the persons who were seated in the truck succeeded in fleeing away by leaving the truck. On search, 3843 liters of illicit foreign liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner only being the owner of the truck in question, has been made accused in this case, though the petitioner has no concern with the illicit liquor, which was being carried over his truck by its driver and the cleaner. He further submits that the truck was being plied for the purposes of carrying goods and being owner and resident of West Bengal, he was not aware as to any illicit liquor was being carried by the driver or cleaner in collusion with any consignor. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or proceeding of the Court. Moreover, there is other infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposes the bail application and submits that a huge quantity of illicit liquor has been recovered from the truck of which the petitioner is the owner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been made accused in this case on account of he being the owner of the truck which is being plied by the driver, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 40 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

rohit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

