

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32348 of 2024

Arising Out of PS. Case No.-307 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Girdhari Prasad @ Giradhari Prasad S/o Late Hargun Prasad R/o Jyotirmoy
Colony (M. Corp), Siliguri, P.S. - Bhatinagar, Distt. - Jalpaiguri (West Bengal)
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is not named in
F.I.R., where implication appears being owner of
registered vehicle no. WB73F-6650.

3. The petitioner apprehending his arrest in
connection with Special Case No. 378 of 2020, arising
out of Kochadhaman P.S. Case No. 307 of 2020
registered for the offences punishable under Section
30(a) 35, 36 and 41 of Bihar Prohibition and Excise Act,
2016.

4. As per allegation, 630 liters of country made



foreign liquor was alleged to be recovered from the aforesaid vehicle of the petitioner, where driver of the vehicle was arrested on the spot.

5. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner appears only for the reason that he is the owner of the vehicle, where the control of the vehicle was under the authority of Raju Das, in terms of Annexure-2, an authority letter issued by the petitioner. It is submitted that in the aforesaid circumstances, it is safe to suggest that the petitioner was not under knowledge to carry the consignment of illicit liquor through aforesaid vehicle, and, as such, it can be said safely that same not appears to be recovered from the conscious physical possession of this petitioner, where petitioner is a man of clean antecedent.

6. Learned APP opposes the prayer of anticipatory bail.

7. Considering the aforesaid factual



submissions as implication of this petitioner appears being owner of the alleged vehicle, where effective control of vehicle was with driver/co-accused Raju Das, in terms of Annexure-2, as discussed above, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II Cum Special Judge (Excise-I), Kishanganj/concerned Court, where the case is pending in connection with Special Case No. 378 of 2020, arising out of Kochadhaman P.S. Case No. 307 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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