

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32535 of 2024

Arising Out of PS. Case No.-91 Year-2023 Thana- BAUNSI District- Araria

Haldhar Prasad Mandal, Son Of Late Jamadar Mandal, Village- Ram Nagar,
Chopra Bazar, Ward No. 11, P.S. Janki Nagar, Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bausi P.S. Case No. 91 of 2023 registered for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, on suspicion, police chased and intercepted a Scorpio vehicle and 2-3 persons fled away from the said vehicle. On search of the said vehicle, recovery of 166.59 litres of foreign liquor was made. Petitioner is said to be the owner of the vehicle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case being the owner of the vehicle. The petitioner was not



present in the vehicle when the vehicle was intercepted and search and seizure was made. The true fact of the case is that the driver of the petitioner's vehicle, namely, Manish Kumar took the vehicle and went for marriage negotiation of his sister and it was the driver who was in possession of the vehicle during the relevant time and apparently the driver and other persons used the vehicle for the illicit purpose. There is no cogent material against the petitioner who is a 66 years old retired teacher. The petitioner has not been apprehended from the spot or nearby place and no recovery has been made from the person or conscious possession of the petitioner. The petitioner has no criminal antecedent.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is said to be the owner and further considering the lack of substantive material against the petitioner to connect him with the offence as alleged and also considering the clean antecedent of the petitioner coupled with possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-2nd, Araria/concerned court in connection with Bausi P.S. Case No. 91 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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