

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37825 of 2024

Arising Out of PS. Case No.-709 Year-2023 Thana- Excise P.S. District- Madhubani

Srikanta Ghosh S/O- Late Sujoy Ghosh R/O- 520/a Purashree, Chandannagar,
Hooghly-712136

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Ibrahim, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 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 G.O. No. 4061 of 2023 arising out of Sadar Excise P.S. Case No. 709 of 2023, registered on 25.12.2023, for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, during checking of vehicles, one four wheeler car was intercepted but the person who was driving the vehicle fled away from the spot. On search of the vehicle, recovery of 171 liters of *Nepali* country made liquor was made. The petitioner is stated to be the owner of the vehicle.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.



The petitioner has already sold his vehicle to one Sorbojit Ghosh on 02.04.2021 and the present FIR has been registered on 25.12.2023. The petitioner is resident of Hooghly and the place of occurrence and recovery is in the district of Madhubani. The petitioner has been named in this case on the basis of registration record of the vehicle but after transfer, the name could not be changed and for this reason, petitioner has been made accused. The facts of the case make it clear that nothing incriminating has been recovered from the person or possession of the petitioner, who was not present at the place of occurrence during relevant time. The petitioner is having clean 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 absence of material to show the *prima facie* case against the petitioner and further considering the possibility of false implication, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act,



Madhubani in connection with G.O. No. 4061 of 2023 arising out of Sadar Excise P.S. Case No. 709 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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