

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40326 of 2024

Arising Out of PS. Case No.-13 Year-2019 Thana- CHANDRAMANDI District- Jamui

Girdhari Lal Chaudhary Son of Nuneshwar Pd. Choudahry Resident of
Village- Jhenghal, P.S- Chandan , Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 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 Chandramandih P.S. Case No. 13 of 2019 registered for the alleged offences under Section 30/32 of the Bihar Prohibition of Excise Act.

03. As per prosecution case, during checking of vehicles police intercepted a car and on search recovery of 750 ml of foreign liquor was made from the said car and two co-accused persons were apprehended who were sitting in the car. Petitioner has been made accused in the case being 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. The petitioner was not present in the car at the time of occurrence.

From the F.I.R. it is clear that two persons were apprehended and one of them is the driver of the vehicle and another person was sitting there but the petitioner had no concern with the seized liquor and nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner is made accused only because of the fact that he is owner of the vehicle and otherwise there is nothing against the petitioner who is having no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and the petitioner has been made accused due to ownership of the concerned vehicle and further considering 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) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Court-1st, Jamui in connection with Chandramandih P.S. Case No. 13 of 2019, 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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