

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46446 of 2024

Arising Out of PS. Case No.-494 Year-2022 Thana- BIRAUL District- Darbhanga

Deepak Bhattacharya Son of Late Manoranjan Bhattacharya R/O Vill.- 374
Kalighat R.D. Kalighat, P.S.- Kalighat Kolkatta, Dist.- West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Biraul P.S. Case No. 494 of 2024 instituted under Sections 414, 420, 467, 468, 471 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.12.2022 by the informant, Manish Kumar.

3. As per the prosecution story, the Police upon secret information reached the place and from four vehicles i.e. a Truck, a Bolero, a Tata pick-up van as also Scorpio and Honda motorcycle, altogether 3554.19 liters of whisky were recovered/seized. Accordingly, the FIR.

4. It is the case of the petitioner that he owns the Scorpio vehicle from which there is recovery of 469.8 liters of foreign liquor. Further, after the accident, the vehicle was sold to



the Scrape Dealer little realizing that it was made in working condition and was used in the business of illicit liquor. He has no criminal antecedent and is an aged person of 60 years, further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 25,000/- to the District Legal Services Authority, Darbhanga for beautification of Civil Court Campus, Darbhanga through Demand Draft issued by the local branch of the State Bank of India.

5. Learned counsel for the petitioner submits that one of the similar situate has been granted relief by this Court in Cr. Misc. No. 47650 of 2023 dated 11.08.2023.

6. Learned APP opposes the prayer submitting that from the said Scorpio there is recovery and the petitioner cannot be exempted from the allegation.

7. Considering the aforesaid submissions put forward by the parties as also the petitioner do not have criminal antecedent, according to him the vehicle was sold to the Scrape Dealer, FIR is there, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 25,000/- to the District Legal Services Authority, Darbhanga for beautification of Civil Court Campus,



Darbhanga through Demand Draft issued by the local branch of the State Bank of India and the receipt of the same shall be submitted to the Trial Court by the DSSA, Darbhanga.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Biraul P.S. Case No. 494 of 2024 to the satisfaction of learned Exclusive Special Judge-II (Excise Act), Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the native of State of Bihar who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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