

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54895 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- GALGALIYA District- Kishanganj

Uttam Sarkar S/O Jagdish Sarkar R/O Village-Uttar Parokatta, PS-Samuktala, District- Alipurduar(W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Galgalia P.S. Case No. 40 of 2024, giving rise to Special Case no. 157 of 2024 for the offence registered under sections 30(a), 32 and 41 of Bihar Prohibition and Excise Act, 2016 lodged on 02.06.2024 by the informant Vijay Pratap Yadav.

3. As per the prosecution story, the informant alleged that upon information that foreign liquor is coming from Bengal via Galgalia, a Mahindra Pick-up van was intercepted, one Ashok Chakrabraty was driving the vehicle, was interrogated thereafter, there is recovery of 702 litres of foreign liquor. According to the driver, it was being taken to Araria on the instruction of Shankar Sarkar alias Mamu. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he is the owner of the vehicle, the same is being allowed to hire, Shankar Sarkar had taken it for carrying the vegetables and he had



no knowledge that in between, the cartoons of liquor has been kept. The last submission is that he do not have criminal antecedent and further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 5,000/- to the District Legal Services Authority, Kishanganj.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he is the owner of the vehicle.

6. Considering the aforesaid submissions as also the fact that the petitioner do not have criminal antecedent, the driver has been named by Shankar Sarkar, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 5,000/- to the District Legal Services Authority, Kishanganj as undertaken by the learned counsel for the petitioner.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 2nd-cum-special Judge (Excise-1) Kishanganj in connection with Galgalia P.S. Case No. 40 of 2024 giving rise to Special Case no. 157 of 2024 subject to condition as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 one year to mark attendance;

(iv) 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;

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

(Rajiv Roy, J)

Vijay Singh/-

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