

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78265 of 2024

Arising Out of PS. Case No.-198 Year-2022 Thana- Excise P.S. District- Kishanganj

Pradeep Kumar Das S/o Late Rohini Kumar Das R/o 18/10, Amar Chakraborty Road, PS- Berhampur, District- Murshidabad, State- West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Kishanganj Excise (Utpad) P.S. Case No. 198 of 2022 registered under Sections 30(a)/32(3) of Bihar Excise Act.

3. Altogether, 750 ml bottle of Whisky was recovered from Mahindra XUV300 car.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the First Information Report. His name has transpired in this case during course of investigation as he is registered owner of the seized vehicle and also father of one of the co-accused namely



Bijush Kumar Das who was apprehended along with two other co-accused persons while they were carrying liquor in the seized vehicle for their own consumption. Further submission is that petitioner has no knowledge about the fact that his son was carrying illicit liquor in his vehicle. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is an old person aged about 67 years and has got no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No.3332964762, Central Bank of India, Chitkohra Branch, IFSC Code :CBIN0282779 (fifth character is zero), MICR Code :800016018.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kishanganj Excise (Utpad) P.S. Case No. 198 of 2022, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C., with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan.

8. However, learned Court below is directed to verify the criminal antecedent of the petitioner, before accepting his bail bond and if it is found that he has criminal antecedent, apart from the present case, the bail bond of the petitioner shall not be accepted.

(Anjani Kumar Sharan, J)

utkarsh/-

U		T	
---	--	---	--

