

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85432 of 2024

Arising Out of PS. Case No.-153 Year-2023 Thana- ARARIA District- Araria

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Jivan Majumdar @ Jiban Majumdar @ Jiwan Majumdar @ Jiwan S/o Dinesh Majumdar R/o Village- Samar Nagar, Champasari, Kalkut (P), P.S.- Pradhan Nagar, District- Darjiling, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Araria (Bairgachhi O.P.) P.S. Case No. 153/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 891 liters foreign liquor from white coloured pick-up vehicle in question. It is further alleged that three co-accused Pradeep Sah, Raj Mohan Mandal and Paresh Ray were sitting in the said Maruti Suzuki vehicle and were working as a liner. It is further alleged that apprehended co-accused Subhash Sharma driver of the said pick-up vehicle disclosed the name of



petitioner that at the behest of the petitioner he was transporting the illicit liquor to Water tank.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the said vehicles in question. The petitioner is not in any way connected with the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Araria in connection with Araria (Bairgachhi O.P.) P.S. Case No. 153/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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