

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11298 of 2025

Arising Out of PS. Case No.-85 Year-2018 Thana- KAJRAILI District- Bhagalpur

Pradeep Kumar Bhagat S/O Late Jagannath Bhagat R/O Hattala, Kachari
Road Barakar, P.S-Kulti, District- West Bardhaman (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-03-2025 1. Heard learned Counsel for the petitioner and learned
APP for the State.
2. This application, for grant of anticipatory bail, arises
out of Kajraili PS case no. 85 of 2018 dated 26.09.2018, disclosing
offences punishable under Section 30(a) of Bihar Prohibition and
Excise Act.
3. The prosecution story, as per the First Information
report, is that on 26.09.2018, police got secret information that
three persons namely Rajesh Kumar @ Raja, Bipin Kumar and
Akshay Kumar were coming from Asansol on a Hundai Verna Car
bearing registration no. WB 20H-4693 along with consignment of
foreign liquor. Upon secret information, the police started vehicle
check and intercepted the aforesaid Hundai Car and recovered 117
liters of foreign liquor from the said car and seized the vehicle in



question.

4. Learned Counsel for the petitioner submits that petitioner has been made accused in the present case on the basis of the fact that he is the owner of the Hyundai Car in question. The petitioner had sold the seized car to authorized dealer of Hyundai Car namely Rudra Automobile Private Limited, Asansol on 26.12.2017 under an exchange promotional scheme of Hyundai company and pursuant thereto, a buying receipt was given by the dealer dated 26.12.2017 stating therein that Rudra Automobile Private Limited have taken delivery of vehicle bearing registration no. WB 20H-4693 and vehicle purchase agreement was also executed on 02.01.2018 between petitioner and said Rudra Automobile Private Limited, which would be evident from Annexure P/2 series. After exchange of his old Hyundai car, the petitioner purchased a new Verna car bearing registration no. WB 38AM-6500 from the dealer on 31.12.2017, thus the submission is that after exchange of the old car, the petitioner purchased a new car in 2017 itself and the occurrence has taken place much later i.e. on 26.09.2018, hence there is no involvement of the old car of the petitioner which had already been exchanged by the petitioner much prior to the date of occurrence. He further submits that the petitioner was not having the knowledge about the present F.I.R. and seizure of the old Hyundai Verna Car, of which the petitioner



was an owner and when police arrived in search of the petitioner on 19.11.2024, the petitioner came to know about the present F.I.R. and took steps for anticipatory bail.

5. Having heard learned counsel for the parties and considering the justification given by the petitioner that on the date of occurrence, the car in question had already been exchanged and given to automobile dealer, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX-cum-Special Judge, Excise-I, Bhagalpur in connection with Kajraili PS case no. 85 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

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

