

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41587 of 2025

Arising Out of PS. Case No.-80 Year-2019 Thana- KALYANPUR District- East Champaran

Ashutosh Dubey S/O Sri Rama Kant Dubey R/O Village- Paranpur, P.S-
Dinara, Distt.- Rohtas. At Present Residing at 7/1 C Picnic Garden 1st Lane,
Tiljala South 24 Parganas, Kolkata (W.B).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms, Eashita Raj, Advocate
Mr. Anuj Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 12-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State. A counter-affidavit has been filed on
behalf of the State by Mr. Jharkhandi Upadhyay, learned APP.

2. This is the 2nd Attempt on behalf of the petitioner
seeking anticipatory bail in connection with Kalyanpur P.S.
Case No. 80 of 2019 registered for offences under Sections 272,
273 & 34 of the Indian Penal Code and Section 30(a) and 41(i)
of the Bihar Prohibition and Excise Act.

3. There is recovery of 4400 liters of spirit from the
vehicle in question.

4. It has been submitted that the petitioner has not
been named as an accused in the present case and his name has



only transpired during the course of investigation as the erstwhile owner of the vehicle bearing Registration No. WB-23B-0759. It has further been submitted that the petitioner had already sold the said vehicle to one Gopal Kumar Saha on 08.03.2019, i.e., prior to the date of lodging of the FIR dated 27.04.2019, and upon such sale, the petitioner ceased to be the owner of the said vehicle. It is also submitted that after the sale of the vehicle, the petitioner had no knowledge of or involvement whatsoever in the use or operation of the said truck, and as such, no liability can be fastened upon him in relation to the allegations arising out of its subsequent use.

5. It is further submitted that the petitioner undertakes to donate Rs. 25,000/- (Rupees Twenty Five Thousand Only) in some charitable organization without accepting his guilt.

6. Learned APP for the State has vehemently opposed the prayer of the petitioner.

7. Considering the facts and circumstances of the case and the submission of learned counsel for the petitioner, this application for anticipatory bail stands allowed.

8. Accordingly, let the petitioner, above-named, in the event of arrest or surrender within four weeks from today in the Court below, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Kalyanpur P.S. Case No. 80 of 2019, subject to the condition(s) that:-

*(I). The petitioner shall deposit an amount of Rs. 25,000/- (Rupees Twenty Five Thousand Only) in **Ramakrishna Mission Saradapitha, P.O. Belur Math. Dt. Howrah, West Bengal** and produce the receipt of the same before the Court below. The bail bonds of the petitioner shall be accepted after verifying the genuineness of the receipt produced by the petitioner.*

(ii). The petitioner is directed to mark his attendance at the local Police Station in West Bengal on every 1st Sunday of each month. Failure to do so shall result in cancellation of the bail bond of the petitioner.

9. Let a copy of this order be communicated to the D.G.P., West Bengal through FAX or e-mail for immediate compliance.

10. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations



shall not be construed as an expression on the merits of the case
and shall not influence the trial or any other proceedings in any
manner.

(Sandeep Kumar, J)

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