

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24983 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- BAUSI District- Purnia

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Nanki Saha @ Nanki Kumar Shah @ Gopal Kumar Saha S/o Doman Saha
R/o Vill. - Farsara, P.S. - Dalkola, Distt. - Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 272/273 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 3631.275 litres of wine is said to have been recovered from the truck which does not belong to



the petitioner. He submits that petitioner is not the owner of the said truck. He submits that petitioner has been made accused on the confessional statement of the driver. He further submits that petitioner has four criminal antecedent as stated in para-3 of this bail application.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Baisi P.S. Case No. 26 of 2019 pending before the court of the learned Special Judge (Excise), Purnea.

(Anjani Kumar Sharan, J)

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