

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33040 of 2021

Arising Out of PS. Case No.-238 Year-2019 Thana- BAUSI District- Purnia

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1. NANKI SAHA @ GOPAL KUMAR SAHA SON OF DOMAN SAHA
 2. MURSHID @ MD. MURSHID ALAM SON OF LATE MD. ALIM Both
R/O VILLAGE- FARSARA, P.S.- DALKOLA, DISTRICT- UTTAR
DINAJPUR (W.B.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 15-06-2021 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 272/273 of Indian Penal Code and Sections 30(a), 33, 41, 47 of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of huge amount of spirit from two trucks and 4 accused who were driver and cleaner of the said trucks and were arrested on the spot who disclosed that his co-villager Kalam has send them to Dalkola and allegation against the petitioners is that said Kalam said that petitioners will load the consignment in the truck.

It has been submitted on behalf of the learned counsel for the petitioners that from reading of the FIR, it is clear that there is no evidence that petitioners are transporter of said liquor and they were implicated in this case due to political and village rivalry. Allegation does not constitute any offence under Excise Act.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Baisi P.S. Case No.238 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty

to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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