

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42822 of 2022

Arising Out of PS. Case No.-302 Year-2018 Thana- BAISI District- Purnia

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NANKI SAH @ GOPAL KUMAR SAH Son of Doman Sah @ Doman Saha
Resident of vill- Farasara, P.s- dalkhola, Dist- Uttar Dinajpur, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 23-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Baisi

P.S. Case No. 302 of 2018, registered for the offences

punishable under Sections 30(a), 38, 41 and 47 of Bihar

Prohibition and Excise Act 2016.

The prosecution case as emerging from the FIR is

that 6600 liters Spirit was recovered from a vehicle bearing

Registration No. UK-06CA/8064.

The Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that there is no recovery of alleged



liquor. He also submits that his name was transpired only on the basis of confessional statement of co-accused. He also submits that petitioner has no concern with illegal trade of liquor. He further submits that the petitioner was neither present at the place of occurrence nor the seized spirit belonged to him. He also submits that similarly situated co-accused persons, namely, Faizan @ Faizan Khan, Shahrukh Khan and Mohammad Yunush have already been enlarged on bail by co-ordinate Bench of this Court vide order dated 08.04.2019 and 23.09.2019 passed in Cr. Misc No. 16515 of 2019 and 60165 of 2019 respectively.

The petitioner has been languishing in jail since 08.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in seven more cases.

However, the learned APP for the State



vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Judge Court No. 1, Purnea/Concerned Court in connection with Baisi P.S. Case No. 302 of 2018 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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