

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51390 of 2022

Arising Out of PS. Case No.-75 Year-2020 Thana- BHIMPUR District- Supaul

Nanki Saha @ Gopal Kumar Saha S/O Late Doman Saha Resident of village-
Farasara, P.S.- Dalkhola, District- Uttar Dinajpur, (W.B.),

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Excise Trial No. 973 of 2020 arising out of Bhimpur P.S. Case
No. 75 of 2020 lodged under Sections 420, 467, 468, 120(B) of
the I.P.C. read with Sections 30(a), 36, 41(i) of Bihar
Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of
2618.451 litre wine is the subject matter of the present case.

Learned counsel for the petitioner submits that the
said recovery has been made from the truck whose driver and
khalasi both were apprehended and upon their statement, the

name of the present petitioner has been figured in this case. Counsel for the petitioner further submits that petitioner is in custody since 01.06.2022 and there is one criminal case pending against him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge Court No.- 1, Supaul in connection with Excise Trial Case No. 973 of 2020 arising out of Bhimpur P.S. Case No. 75 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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