

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9564 of 2023

Arising Out of PS. Case No.-54 Year-2020 Thana- BAISI District- Purnia

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NANKI SAH@ GOPAL KUMAR SAH S/O LATE DOMAN SAH R/v-
Farsara, P.S.- Dalkola, District- Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 272, 273 of Indian Penal Code and Section 30(a), 41, 47 of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, petitioner in indulged in business of illicit liquor and from his godown, 1083.600 litres liquor were loaded in a truck bearing registration no. UP36T-3636, which was being driven by co-accused Maksud Alam, who was apprehended on spot, has disclosed the name of the petitioner.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been surfaced in this case due to his several criminal antecedents and on the basis of disclosure made by the apprehended accused persons, which has no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Godown of this petitioner is situated in territorial jurisdiction of West Bengal and there is no prohibition of selling and purchasing of wine. He is remanded in the present case on 15.12.2022 and since then he is languishing in judicial custody.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



with two sureties of the like amount each to the satisfaction
of the learned Exclusinve Special Judge (Excise) Court No.
1, Purnea in connection with Baisi P.S. Case No. 54 of
2020.

(Sunil Kumar Panwar, J)

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