

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26763 of 2023

Arising Out of PS. Case No.-285 Year-2017 Thana- BARSOI District- Katihar

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DEVANA NUNIA @ DEVANAN NONIA @ DEVANAND NONIA S/o
Kamal Nunia @ Kamala Nunia R/o Jalkumar, Naya Tola, P.S.-Barsoi, Distt-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 16-05-2023 1. Heard learned counsel for the petitioner and

the learned APP for the State.
2. Petitioner seeks regular bail in connection

with Barsoi P.S. Case No.285 of 2017 dated 18.09.2017

registered for the offence(s) punishable under Section(s) 30(a)

of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the

learned counsel for the petitioner are that the instant matter

relates to the recovery of 72 litres of country-made liquor and

the same is stated to have been recovered from a motorcycle and

as per allegation co-accused Prakash Nunia indulged in

smuggling of the alleged wine from West Bengal by using the

alleged motorcycle which was seized with the wine but he



managed to escape on seeing the police party and in the FIR, the registration number of the seized motorcycle is mentioned as BR 39K 5551 and the said registration number does not belong to this petitioner but during investigation the registration number of the alleged vehicle was changed on the application of the police after getting the permission from the Court concerned and the said changed registration number belongs to this petitioner and accordingly the petitioner has been dragged in this case on account of having ownership over the alleged motorcycle which was seized at the place of recovery but except this, there is no any other allegation against this petitioner. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 17.12.2022 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and the completion of investigation against him, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Barsoi P.S. Case No.285 of 2017 on furnishing bail bond of Rs.10,000/-



(Ten Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned.

(Shailendra Singh, J)

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