

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50366 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- NIRMALI District- Supaul

PROSANJIT SAHA SON OF LATE NIRMAL SAHA R/O-PANCHKAL
GURI, DABGRAM, P.S.-BHAKTINAGAR, DISTT.-JALPAIGURI (WEST
BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Opposite Party/s : Mr.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with S.T. Excise Case No. 2447 of 2023 arising out of Nirmali P.S. Case No. 125 of 2023 registered under Sections 272, 273, 420 and 120(B)/34 of the Indian Penal Code and Section 30 (a), 32, 34 and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 14.06.2022 by the informant, Pankaj Kumar.

As per the prosecution story, the police intercepted a truck, the driver escaped but the person sitting was apprehended, the petitioner being the said persons. 1376.625 of illicit liquor was/were recovered. Accordingly, the FIR.



It is the case of the petitioner that he was going to Darbhanga the bus developed Snag. He took lift little realizing that instead of his destination, he will be landing in jail, having suffered by being in custody since 15.06.2023.

Learned APP opposes the prayer for bail stating that huge recovery has been made.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he is neither the driver nor the owner of the truck and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 2, Supaul in connection with S.T. Excise Case No. 2447 of 2023 arising out of Nirmali P.S. Case No. 125 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her



bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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