

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18484 of 2025**

Arising Out of PS. Case No.-261 Year-2019 Thana- BAISI District- Purnia

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Nanki Saha @ Gopal Kumar Saha son of Doman Saha village- Farsara, Ps-  
Dalkola, Dist- Uttar Dinajpur WB ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      23-04-2025                      Heard Mr. Alok Kumar Alok, learned counsel for the  
  
petitioner and Mr. Ram Bilash Roy Raman, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baisi P.S. Case No. 261 of 2019, F.I.R. dated 13.11.2019 for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 41 and 47 of Bihar Prohibition and Excise Act, 2016.

3. According to prosecution case, there is total recovery of 882 litres of English wine.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. It appears from the F.I.R. and seizure list that nothing has recovered from the



conscious possession of the petitioner rather the recovery has been made from the truck in question and the petitioner is neither the owner nor the driver of the truck in question. The name of the petitioner has been transpired on the basis of the disposal made by the co-accused, namely, Mrshid, who happens to be the driver of the truck in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries then criminal antecedents other than the present of the similar nature and apart from that it transpired from the impugned order that 82 and 83 process has been issued against the petitioner and in view of the aforesaid, the present case is not maintainable.

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Baisi P.S. Case No. 261 of 2019 pending in the court of the Exclusive Special Excise Court No. 1, Purniya.

7. Prayer is refused.

**(Rajesh Kumar Verma, J)**

Jyoti Kumari/-

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