

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10216 of 2020**

Arising Out of PS. Case No.-282 Year-2019 Thana- RIGA District- Sitamarhi

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FEKAN SAH S/o Ram Bahadur Sah R/o village- Pannapur, P.S.- Riga,
District- Sitamarhi

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 12-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Riga P.S. Case No. 282 of 2019 registered
for the offences punishable under Section 30(a) of Bihar Excise
Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel submits that the petitioner has no
concern with the alleged wine and truck and the petitioner has
got no criminal antecedent.

Learned APP for the State has opposed the prayer for
anticipatory bail of the petitioner.

Considering the facts and circumstances of the case



wherein, it is alleged that this petitioner was one among the eight persons who were seen unloading the cartoons from a truck who fled away on seeing the police party but one of them was caught on chase who disclosed his name as Naga Sah but the name of the petitioner has been incorporated in the FIR on the basis of the secret information and save and except the allegation that the petitioner was one among the persons who fled away, there is no material to connect him with the present case, a specific statement being there that the petitioner has no concern with the alleged wine and truck as stated in paragraph '11' of the present application and further that the petitioner has got no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Riga P.S. Case No. 282 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge Excise Act, Sitamarhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

