

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42672 of 2022

Arising Out of PS. Case No.-149 Year-2019 Thana- HATHAURI District- Muzaffarpur

Pheku Sah @ Feku Sah Son of Bundela Sah @ Buela Sah Resident of village
- Mahuli, P.S.- Hathauri, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 272, 273
and 414 of the Indian Penal Code and Section 30(a), 38(i) and
41 of the Bihar Prohibition and Excise Act.

Recovery is of 167.76 liters of illicit foreign liquor.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. as well as seizure
list that nothing has been recovered from the conscious



possession or the house of the petitioner. He further submits that the recovery has been made from the Scorpio in question and the allegation against the petitioner is that he fled away from the place of occurrence. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question. He further submits that the co-accused, namely, Madhusudan Sah @ Maksudan Sah has been granted anticipatory bail vide order dated 27.07.2021 passed in Cr. Misc, No. 8380 of 2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hathuri P.S. Case No. 149 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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