

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66501 of 2023

Arising Out of PS. Case No.-516 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Ramesh Sah @ Ramesh Kumar Son of Ram Nath Sah Resident of Village -
Jogiamath Adharpur Nizamat, Ward No.3, P.S. - Tajpur, District - Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Samastipur Muffasil P.S. Case No. 516 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016. The petitioner has got no criminal antecedent.

3. As per the prosecution story, on 16.12.2020 at 4:00 am, the informant while on patrolling duty saw some persons unloading something from a pickup van. On seeing police, the accused persons tried to flee away but one of the accused persons, namely, Mahesh Sah was arrested and he disclosed the name of the petitioner and other accused persons who fled away.

Upon search, total 239 liters liquor was recovered from the said pickup van.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that no recovery has been made from the conscious possession of the petitioner neither the vehicle from which the alleged recovery has been made belong to the petitioner. It is further submitted that two co-accused, namely, Pintu Kumar Singh and Surendra Das have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc No. 70741 of 2021 and Cr. Misc. No. 6752 of 2022 respectively.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the recovery of illicit liquor has been done while unloading the same from a pickup van and from there one Mahesh Sah was arrested who disclosed that the petitioner is involved in this illegal business of liquor, said Mahesh Sah disclosed the name of some other persons as well who have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc No. 70741 of 2021 and

6752 of 2022, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Samastipur in connection with Samastipur Muffasil P.S. Case No. 516 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 steps 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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