

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85539 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- KAMTAUL District- Darbhanga

Fekan Sah @ Phekan Kumar Sah, son of Ashesher Sah, resident of village-
Brahampur, P.S.- Kamtaul, district- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 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 Kamtaul P.S. Case No. 216 of 2023 registered for the offences punishable under Sections 30(a), 32(i)(ii) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on secret information, the informant along with other police personnel intercepted a truck bearing registration no. RJ27GB-6698 and on seeing the police party, all the accused persons started fleeing away but the driver of the truck got apprehended and on interrogation, he disclosed that a person, namely, Pratap had given him mobile numbers of Sanjay Das and Fekan Sah (this petitioner) and told him that they would guide him to the destination. On search,

from the said truck, total 2937.6 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the illicit liquors have been recovered from a truck bearing registration number of the State of Rajasthan. The owner of the said truck is one Laxmi Sharma of Rajasthan. The person who was arrested from the vehicle has stated that he was given two mobile numbers and was told that those persons who are the bearers of the mobiles would guide him to the destination.

5. Learned counsel submits that the petitioner has been falsely implicated in this case on the bald statement of the said apprehended person, he has not been identified on the spot, has no criminal antecedent and there is no material to connect him with the alleged recovery of illicit liquor. It is stated that the seizure list witnesses are the members of the police party.

6. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but this Court having considered the materials available on the record, directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kamtaul P.S. Case No. 216 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five

Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga, 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 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--