

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58859 of 2025

Arising Out of PS. Case No.-122 Year-2025 Thana- KAMTAUL District- Darbhanga

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Fekan Sah Son of Asheswar Sah, R/o Village- Brahampur, P.S - Kamtaul,
Dist. - Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kamtaul P.S. Case No.122 of 2025 instituted under Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, it is alleged that on
seeing the police, 20-25 persons tried to flee away but on chase,
one of the accused persons was apprehended who disclosed his
name as Ajay Kumar (driver of the seized truck). There is total
recovery of 4523.00 litres illicit Indian made foreign liquor from
the seized truck, pickup van and hut.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that petitioner was neither



owner of the seized truck nor the owner of seized pickup van. Learned counsel submits that the apprehended co-accused did not name the petitioner and he has no concern with the hut from where also the alleged recovery of illicit liquor was made. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that there is no compliance of mandatory provisions of seizure of the illicit liquor and except secret information, there is no material against the petitioner. Learned counsel submits that similarly situated co-accused person has been granted anticipatory bail by this Court *vide* order dated 19.08.2025 passed in Cr. Misc. No.54474 of 2025. He further submits that petitioner has one criminal antecedent, in which he is on bail and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail



upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-I (Excise Act), Darbhanga/ concerned Court in connection with Kamtaul P.S. Case No.122 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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