

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34032 of 2020

Arising Out of PS. Case No.-288 Year-2020 Thana- SAUR BAZAR District- Saharsa

KAILASH SAH Son of Dhaneshwar Sah Resident of Village - Thengaha,
Ward no. 3, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-12-2020 Heard Mr. Binod Kumar Sinha, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Special (Ex.) Case No.273 of 2020 arising out of Sour Bazar
P.S. Case No.288 of 2020, registered for the offence punishable
under Sections 272 and 273/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the petitioner's house, 212 liters of illicit
foreign liquor was allegedly recovered. The petitioner was
apprehended on the spot.

Learned counsel appearing on behalf of the petitioner
has submitted that the illicit liquor was planted by someone else
with ulterior motive. He has further submitted that the petitioner



has no criminal antecedent and he is in custody since 21.07.2020.

As has been noticed above, allegedly, from the petitioner's house, the police are said to have recovered huge quantity of illicit liquor. In my opinion, no case for grant of regular bail is made out for the present.

This application is accordingly dismissed.

The petitioner shall, however, be at liberty to renew his prayer for bail after six months, if there is no substantial progress at the trial.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by



this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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