

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28915 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- BIDUPUR District- Vaishali

Pawan Sah @ Pawan Kumar Sah S/o Late Jaleshwar Sah R/o village-
Kutubpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Kumar, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Bidupur P.S. Case no. 247 of 2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on secret information having been received, a raid was conducted and 274.5 litres of IMFL was recovered from the premises belonging to co-accused Rama Singh. It is stated that the petitioner was identified amongst the three accused who managed to escape

Along with filing of a supplementary affidavit, case was mentioned for out of turn hearing on the ground of marriage of the daughter of the petitioner having been fixed for 15.7.2021.



On merits, it is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his person or possession. The alleged place of recovery belongs to co-accused Rama Singh. The petitioner, subsequent to his implication in the instant case, has been falsely implicate in one another case under the Excise Act, wherein he has been enlarged on bail by the learned Court below itself. He is in custody since 17.1.2021.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the petitioner having remained in custody for about more than 5 months, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Bidupur P.S. Case no. 247 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur.

(Partha Sarthy, J)

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