

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40263 of 2020

Arising Out of PS. Case No.-106 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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BHIKHAR SAO @ SAHVIR SAO, Son of Late Kailash Sao Resident of
Village- Lalchand Nagar Rajwari, P.S.- Aurangabad (Town), District-
Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2021 Heard Mr. Leelawati Kumar, learned Counsel for the

petitioner and Mr. Dashrath Mehta, learned Additional Public

Prosecutor for the State.

This application, for grant of regular bail, arises out of

Aurangabad Town Police Station Case No. 106 of 2020, disclosing

offences under Section 30(a) of the Bihar Excise and Prohibition

(Amendment) Act, 2018.

The allegation, as per the First Information Report is

that from cow-shed of the petitioner, 90 litres of illicit liquor has

been recovered.

Learned counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged and

he has falsely been implicated in this case due to village politics

and the illicit liquor has not been recovered from the conscious



possession of the petitioner, as the same has been recovered from the cow-shed, which is easily accessible to all. Learned counsel further submits that petitioner is in custody since 30.09.2020 and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 30.09.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Bhikhar Sao @ Sahvir Sao, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Aurangabad Town Police Station Case No. 106 of 2020, subject to the condition that the petitioner will not repeat the same offence in future.

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(Anil Kumar Sinha, J.)

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