

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46510 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJPUR District- Buxar

PRAKASH SAH @ PRAKASH KUMAR SON OF SHYAM NARAYAN
SAH Resident of Village - Hethuwa, P.S.- Rajpur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-01-2022

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Rajpur PS case no. 40 of 2021 instituted for the offences punishable under Sections 467, 468, 469, 471, 120(B)/34 of Indian Penal Code and Section 30(a)(d) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 22 liters of illicit liquor from the house of one Shyam Narayan Sah who is stated to be the father of the petitioner and the persons arrested from the spot, had disclosed the name of other accused persons including the petitioner



to be having complicity in the matter.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 09.04.2021. The learned counsel for the petitioner has further submitted that no illicit liquor has been recovered from the conscious possession of the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge-II-cum-Special Judge (Excise), Buxar in connection with Rajpur PS case no. 40 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

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

