

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55092 of 2021

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

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AWADH BIHARI SAH@MAIN SAH S/O LATE RAM SEWAK SAH R/O
VILL.- HETHUA, P.S.- RAJPUR, DIST.- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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 Sri Ashok Kumar, 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, 120B/34 of Indian Penal Code and Sections 30(a)(d) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 27.200 liters of illicit liquor from the house of the petitioner and when the police had conducted a raid and seized the said illicit liquor,



six persons including the petitioner herein were also arrested from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 09.02.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case, inasmuch as the recovery has been made from the semi-built house of the petitioner, where the possibility of the illicit liquor having been planted by unknown persons, cannot be ruled out.

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 the petitioner is having a clean antecedent and the illicit liquor has been recovered from the semi-built house of the petitioner, as such the possibility of the illicit liquor having been planted by unknown miscreants cannot be ruled out, 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)

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