

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7153 of 2024

Arising Out of PS. Case No.-323 Year-2022 Thana- TURKAULIYA District- East
Champaran

=====

KISHORI SAH Son of Late Gauri Sah @ Gaurishankar Sah Resident of
Village-Khadwa Mushar Toli, P.S.-Banjariya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Rana Randhir Singh

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Trukaulya (Banjariya) P.S Case No.323 of 2022
registered for the offences punishable under Sections
30(a) (c), 45 of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, total 20 litres of
country made liquor.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case.
He further submits that no incriminating article has been



recovered from the conscious possession of the petitioner. It is next submitted that the recovery is made from an open place which is accessible to anyone. It is also submitted that petitioner is in judicial custody since 04.12.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Trukauliy (Banjariy) P.S Case No.323 of 2022.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of



this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Mayank/-

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

