

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13268 of 2024

Arising Out of PS. Case No.-661 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champanan

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SUKUL SAHANI S/O LATE HALKHORI SAHANI R/O VILLAGE-
TIKULIYA DAB TOLA, P.S- MOTIHARI MUFFASIL, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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

ORAL ORDER

2 27-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Motihari Mufassil P.S. Case No.661 of 2021 registered for the
offence under Sections 30(a)(b), 32, 41(1) of the Bihar
Prohibition and Excise Act.

3. As per FIR, there is recovery of total 85 litre
of illicit liquor and 1000 liter of Kacha solution liquor from a
wheat field of Raghav Sahani.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner was not arrest



on spot. It is submitted that name of the petitioner surfaced on the basis of confessional statement of other co-accused person, namely, Guddu Kumar. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from a wheat field of other co-accused person. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as the said field. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 28.11.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Motihari Mufassil P.S. Case No.661 of 2021 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.1, Motihari, East Champaran.



7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) 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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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