

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14203 of 2024

Arising Out of PS. Case No.-340 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Md. Sabir @ Savir Sah, aged about 51 years, Male Son of Late Md. Sabbir @ Late Md. Salim Sah, Resident of Village- Belsandi Tara, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Hussamuddin Azad, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bibhutipur PS Case No. 340 of 2021 instituted for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 134.250 liters foreign liquor has been recovered from a Pickup Van.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is neither the owner nor the driver of the seized vehicle and has no connection with the seized liquor. He has been made accused due to village



politics and rivalry with the local Chowkidar. There is no independent witness in this case. No incriminating material has been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Judge, Excise-1st, Samastipur dated 10.01.2024, it appears that there is no recovery from the conscious possession of the petitioner and he has been falsely implicated in this case. There is no independent witness in the seizure list and name of the petitioner surfaced from the statement of local Chowkidar. Similarly situated co-accused persons namely, Md. Rahmat has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.63581 of 2022 dated 16.12.2022. Petitioner is in custody since 01.12.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Special Judge, Excise Court No. 1, Samastipur in connection with Bibhutipur PS Case No. 340 of 2021.

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 petitioner shall be released on bail on 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)

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