

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12621 of 2024

Arising Out of PS. Case No.-207 Year-2022 Thana- CHACKMEHSI District- Samastipur

SAYED TURAB ALI @ SAIYED TURAB ALI S/O SAYED
SHAHABUDDIN R/O VILLAGE- HASAN SARAY, P.S- BALIGAOW,
DISTT.- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neetu Jha

For the Opposite Party/s : Mr. Akshay Lal Pandit

**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 Chakmehsi P.S. Case No. 207 of 2022, registered for the offence under Sections 30(a), 32(ii), 41(i) & (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per FIR, there is recovery of 3133 litres of foreign liquor from the different vehicle.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the F.I.R. and his name surfaced from the confessional statement of other co-accused, Nand Kishore



Sahni. It is submitted that recovery of alleged illicit liquor was not made from physical possession of the petitioner. 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 as stated in para 3 of the bail petition and he is in custody since 11.01.2024.

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 Chakmehsi P.S. Case No. 207 of 2022 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-Ist, Samastipur.

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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