

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14327 of 2024

Arising Out of PS. Case No.-456 Year-2023 Thana- KOTWA District- East Champaran

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Anil Yadav, aged about 34 years, Male Son of Lalita Yadav @ Lalit Yadav
Resident of Village- Chaube Tola, P.S.- Kotwa (Bhopatpur O.P.), District-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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**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 Kotwa
(Bhopatpur O.P.) PS Case No. 456 of 2023 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per the prosecution case, total 3.750 liters of
foreign liquor has been recovered from a bag.

4. Learned counsel for the petitioner submits that the
petitioner is innocent has committed no offence and has falsely
been implicated in this case. Petitioner was not arrested at the



spot and nothing incriminating articles have been recovered from the conscious possession or house of the petitioner rather the alleged liquor was recovered from a bag.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Excise Court No. 1, East Champaran at Motihari dated 25.01.2024, it appears that the recovery is from the bag and not the conscious possession of the petitioner or his house. Petitioner is in custody since 06.01.2024, 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 Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Kotdwa (Bhopatpur O.P.) PS Case No. 456 of 2023.

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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