

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14640 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- CHIRAIYA District- East Champaran

Suresh Yadav, aged about 29 years, Male Son of Horil Rai @ Horil Ray R/O
Village- Mohadipur, P.S- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP I/C

**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 Mahua Chiraiya PS Case No. 556 of 2023 instituted for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and the Excise Act.

3. As per the prosecution case, 30 liters country made liquor, 1020 Kg DMB jaggery power (Mitha) and 5 kg uria was recovered.

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. Nothing incriminating articles have been recovered from the conscious possession of



the petitioner. He next submits that the seized articles has been recovered from the house of Horil Rai.

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 Motihari dated 12.01.2024, it appears that the alleged recovery is not from the possession of the petitioner but from the house of Horil Rai. Petitioner is in custody since 04.12.2023, 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 Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Chiraiya PS Case No. 556 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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