

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18271 of 2024

Arising Out of PS. Case No.-2244 Year-2023 Thana- Excise P.S. District- East Champaran

1. Arvind Sahani Son of Hari Shankar Sahani Resident of Village- Jhakhia, P.S.- Banjaria, District- East Champaran
2. Bhola Kumar Son of Wakil Sahani @ Wakil Sahani Residence of Vill.- Jhakhia, P.S.- Banjaria, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 13-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Excise P.S. Case No.2244 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 156 litre of illicit liquor from a tempo and a motorcycle.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. 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



different vehicles. It is further submitted that the petitioners have no concern with the alleged recovery of illicit liquor as well as vehicles in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are men of clean antecedent and they are in custody since 29.11.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Excise P.S. Case No.2244 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-2, East Champaran, Motihari.

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 petitioners shall



be released on bail on furnishing bail bond with further condition that the petitioners 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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