

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20037 of 2024

Arising Out of PS. Case No.-62 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Heera Sahni @ Hira Sahni, Male, aged about 40 years, son of Sharda Sahni
Village- Raja Bazar, Gopalpur Ps- Town Dist- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 15-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Town P.S. Case No.62 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 93 litre
of illicit liquor from a hutment of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner was not arrest
on spot and his name surfaced on the basis of confessional
statement of other co-accused persons. It is submitted that
recovery of alleged illicit liquor was not made from conscious



physical possession of the petitioner and he has no concern with the alleged recovery of illicit liquor as well as place of recovery. 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 in custody since 28.12.2023.

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 Town P.S. Case No.62 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 Excise Judge-1, Civil Court, East Champaran at 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 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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