

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23193 of 2024

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

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HORIL RAI @ HORIL RAY, MALE, AGED ABOUT 55 YEARS, SON OF
LATE JAGDEV RAI RESIDENT OF VILLAGE - MOHADIPUR, P.S. -
CHIRAIYA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

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

ORAL ORDER

2 19-04-2024 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 have been recovered from the joint house of the petitioner. He next submits that similarly situated co-accused persons have already been granted bail by this Court through Cr. Misc. No.14640 of 2024 on 29.02.2024 and Cr. Misc. No.14316 of 2024 on 29.02.2024.

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 24.02.2024, it appears that the alleged recovery is not from the possession of the petitioner. Petitioner is in custody since 18.01.2024, 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, 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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