

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25276 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- DHAKA District- East Champaran

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Sujeet Kumar, Male, aged about 22 years, Son of Mathura Sah, Resident of Village- Kharuhi, Ward no.3, P.S.- Kundwa Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Jay, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s :		Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Dhaka (Pachapakari) P.S. Case No. 32 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 17 litres of 100 ml Nepali liquor has been recovered from a motorcycle bearing Registration No. BR 05R 7271.

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 due to high handedness of



police. He further submits that the petitioner was caught at the spot with a motorcycle. The motorcycle does not belong to the petitioner. Nothing has been recovered from the possession of the petitioner. Petitioner is in custody since 19.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari dated 24.02.2024, it appears that the seized articles have been recovered from a motorcycle, the motorcycle does not belong to the petitioner and there is no any independent witness of the seizure list, 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 Court Exclusive Special Prohibition and Excise Court No. 1-cum-Additional District and Sessions Judge East Champaran, Motihari in connection with Dhaka (Pachapakari) P.S. Case No. 32 of 2024.

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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