

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23967 of 2024**

Arising Out of PS. Case No.-195 Year-2023 Thana- TARAIYA District- Saran

Nand Kishore Sahani son of Hakim Sahani Village- Murlipur PS-Taraiya  
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

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

ORAL ORDER

2      27-03-2024                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks regular bail in connection with  
Taraiya P.S. Case No. 195 of 2023 registered for the offence  
under Section 30(a), 32(i)(ii), 38, 41(1)(2) of the Bihar  
Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery  
of total 100 liters of illicit spirit liquor from inside Scorpio  
bearing registration No. HR-57-3518.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. Nothing has been recovered from the possession of  
the petitioner. He further submits that the petitioner was not



arrested on spot and he has no concern with the said Scorpio vehicle. It is further submitted that the petitioner has no criminal antecedent as stated in para 3 of the application and he is in custody since 15.02.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of FIR and impugned order dated 05.03.2024 passed by learned 3<sup>rd</sup> Exclusive Special Excise Judge, Saran and seizure list, it appears that there is no independent witness of the seizure list. Considering the aforesaid facts and circumstances of the case, let the petitioner, abovenamed, 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 learned 3<sup>rd</sup> Exclusive Special Excise Judge, Saran at Chapra in connection with Taraiya P.S. Case No. 195 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the above conditions and he shall be present physically on each



and every date before the trial court till conclusion of proceeding of framing of charge.

**(Ramesh Chand Malviya, J)**

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