

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25293 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- HARSIDHI District- East Champaran

Laxuman Sahani @ Lachhan Sahani @ Laxaman Sahani, aged about 27 years, Male, Son of Nagina Sahani, Resident of Village - Dhankharaiya, Ward No.2, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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 Harsidhi P.S. Case No. 52 of 2024 instituted for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 64 pieces 8 PM Special Blend of Scotch and Indian Grain Whisky each containing 180 ml and 03 pieces Royal Stage Superior Whisky each containing 750 ml, in total 13,770 liters English liquor has been recovered from the thatched house of the petitioner.

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 only on the basis of suspicion. He further submits that the petitioner has neither arrested at the spot nor anything has been recovered from his conscious possession.

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 02.03.2024, it appears that the seized articles have been recovered from the thatched house of 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 Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 52 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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