

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26712 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- TURKAULIYA District- East
Champaran

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Dhananjay Tiwari S/O Chandra Mohan Tiwari R/O Village- Banvirwa, P.S.-
Kortwa, Dist.- East Champaran AT Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anurag Kumar, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Turkauliya P.S Case No. 109 of 2024 registered for
the offences punishable under Sections 30(a) and 41(1)
of Bihar Prohibition and Excise Act, 2022 (Amended).

3. As per prosecution case, total 36.6 litre illicit
liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case. It
is further submitted that no incriminating article has



been recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. It is also submitted that petitioner is in judicial custody since 16.02.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Motihari, East Champaran in connection with Turkauliya P.S Case No. 109 of 2024.

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 the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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