

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26309 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- KHAJAULI District- Madhubani

Nitish Sahani @ Saroj Sahani @ Nitish Kumar Sahani, Male, aged about 20 years, Son of Begai Sahani @ Parmeshwar Sahani R/o Village- Inarwa, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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 is in custody in connection with Khajauli P.S Case No. 102 of 2023 registered for the offences punishable under Sections, 272, 273 and 30(a) of Bihar Prohibition and Excise Act

3. As per prosecution case, total 234 litre illicit liquor was recovered from the three 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



similarly situated co-accused person has already been granted bail this Court through Cr. Misc. No.21690 of 2024 on 20.03.2024. It is also submitted that petitioner is a man of clean antecedent and he is in custody since 21.12.2023.

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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Khajauli P.S Case No. 102 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 the



proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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