

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49788 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- KHAIRA District- Saran

Sanjay Rai @ Sanjay Ray, Male, aged about 32 years, Son of Raghubir Rai,
Resident of Loha Chapra, P.S- Khaira, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtunjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

ORAL ORDER

2 22-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Khaira
P.S. Case No. 140 of 2024 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, during course of
vehicle checking, two persons were caught with a plastic sack
on scooty. They are tried to flee away upon seeing the police but
one person was caught on the spot and he disclosed his name as
Sanjay Rai. After search, the police recovered 120 liters of illicit
countrymade liquor from the scooty 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. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner has no knowledge about the recovery of the alleged country made liquor. Petitioner is in custody since 11.05.2024.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, it appears that 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 3rd Special Judge, Excise, Saran, Chapra /Concerned Court in connection with Khaira P.S. Case No. 140 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)

Anand Kr.

U		T	
---	--	---	--

