

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73753 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- SUGAULI District- East Champaran

Rajesh Sahani @ Rajesh Sahni, aged about 34 years, Gender-Male, Son of Charitar Sahni @ Chalitar Sahni, Resident of Village - Sohail Chhapra, Police Station - Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 26-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sugauli PS Case No. 141 of 2023 instituted for the offences punishable under Sections 304, 308, 328, 201/34 of the Indian Penal Code and later on also added Sections 30 (a), 34, 37 and 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, some persons of the village suddenly became ill and died during the course of treatment due to consume poisonous substance.

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 due to mere suspicion and



ulterior motive. Learned counsel for the petitioner further submits that petitioner is not named in the FIR and his name transpires during course of investigation on the basis of confessional statement of the co-accused, who stated that the consignment of spurious liquor was sent from delhi by the accused petitioner. There is no material available on the record to show that the deceased was consumed spurious liquor. Neither the petitioner apprehended at the spot nor any incriminating articles have been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list, case diary and impugned order of the learned Exclusive Special Excise Court No. 1, Civil Court, East Champaran, Motihari, it appears that no recovery has been made from the conscious possession of the petitioner and no postmortem regarding deceased person. It is also submitted that there is no independent witness of seizure list. Petitioner is in custody since 27.07.2023, 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, Civil Court, East
Champan at Motihari in connection with Sugauli PS Case No.
141 of 2023.

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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