

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33328 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- SUGAULI District- East Champaran

Abbas Miya S/o Late Hanif Miyan, R/o village- Chhapwa Chauk, Ward No. 12, P.O.- Phulwariya, P.S.- Sugauli, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alexander Ashok, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sugauli P.S. Case No. 13 of 2025 dated 08.01.2025 instituted for the offences punishable under Sections 30(a), 45 and 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, 27 litres of illicit country made liquor was recovered from Chhapawa Musahari Toal near the house of Babita Devi and Urmila Devi. It is further alleged that the breath analyzer test of apprehended co-accused persons was found positive.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. Nothing was recovered



from the conscious possession of the petitioner, rather the recovery has been made from the house of co-accused persons namely, Urmila Devi, Babita Devi and Sunita Kuwar and since the petitioner was present at the spot he has been made accused in the present case under the wrong impression. The allegation of positive breath analyzer test is false and fabricated as test report is not enclosed in the FIR. Petitioner has clean antecedent. Petitioner is in custody since 09.01.2025. He lastly submits that after completion of investigation, chargesheet has been submitted against the petitioner.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case as well as petitioner's period under custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed as yet**. Accordingly, let the petitioner, above-named, be released on bail on furnishing bail-bond 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 Champaran at Motihari, in connection with **Sugauli P.S. Case No. 13 of 2025**, on further conditions:



(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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