

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13824 of 2024

Arising Out of PS. Case No.-959 Year-2023 Thana- ARA NAGAR District- Bhojpur

CHHOTAN CHAUDHARY S/O- LATE JAGLAL CHAUDHARY R/O-
VILLAGE- BALBATARA, P.S.- ARA (TOWN) NAGAR, DIST.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with
Ara Nagar P.S Case No. 959 of 2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act, 2018.

3. As per prosecution case, total 80 litres of illicit
country made Mahua was recovered from a mango orchard.

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. Leaned counsel for
the petitioner next submits that the perusal of the seizure list
reveals that there is no independent witnesses to the said
seizure. The petitioner is stated to be in custody since
30.11.2023.

5. However, learned APP for the State opposed 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-I, Bhojpur at Ara in connection with Ara Nagar P.S Case No. 959 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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