

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11123 of 2024

Arising Out of PS. Case No.-834 Year-2023 Thana- Excise P.S. District- Aurangabad

SURYA KUMAR BHARTI S/O BHOLA RAM R/O VILLAGE-
PRITAMPUR, P.S- BARUN, DISTT.- AURANGABAD (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

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

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

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is languishing in custody in a case registered for the offences punishable under Sections 30(a), 32(1), 32(3), 41(1), 41(2) of the Bihar Prohibition & Excise Act.

3. There is recovery of 72 litres of illicit Indian made foreign liquor from an auto-rickshaw.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the seized autorickshaw or the illicit liquor. The petitioner was only co-passenger of the auto-rickshaw. The petitioner is languishing in custody since 01.11.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.



5. In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs.10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, ExciseII, Aurangabad in connection with Excise P.S. Case No. 834 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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to 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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