

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10944 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- ITARHI District- Buxar

UPENDRA SINGH @ UPENDRA SINGH MAURYA S/O- DEVCHANDRA
SINGH R/O- VILLAGE- ITARHI, P.S.- ITARHI, DIST.- BUXAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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

ORAL ORDER

2 22-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Itarhi P.S. Case No. 288 of 2023, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per FIR, there is recovery of 18 litre of illicit country made liquor from the possession of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner has 3 more criminal antecedent of same nature as stated in para 3 of the bail petition and he is in custody



since 31.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, **after framing of the charge**, in connection with Itarhi P.S. Case No. 288 of 2023, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,Excise Act-1, Buxar.

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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