

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9533 of 2024

Arising Out of PS. Case No.-2150 Year-2023 Thana- Excise P.S. District- Gaya

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Dharmendra Kumar, aged about 30 years, S/O- Late Rajendra Paswan, Male,
R/O- Village- Vishrampur, P.S.- Imamganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhuresh Singh, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Gaya Excise P.S Case No. 2150 of 2023 registered
for the offences punishable under Sections 30(a) and
32(3) of the Bihar Prohibition & Excise (Amendment)
Act, 2018.

3. As per allegation in the FIR, total 144 litres
of illicit liquor was recovered from tempu.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case.
He further submits that petitioner is not the owner of the



seized auto. No incriminating article has been recovered from the conscious possession of the petitioner. It is next submitted that from perusal of the seizure list there is no independent witness. There is no compliance of Section 100 of the Cr.P.C. It is also submitted that petitioner is in judicial custody since 18.12.2023.

5. However, learned APP for the State oppose 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 Excise Court No. 3, Gaya in connection with Gaya Excise P.S Case No. 2150 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)

Nilmani/-

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