

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12940 of 2024

Arising Out of PS. Case No.-951 Year-2023 Thana- Excise P.S. District- Aurangabad

Roshan Kumar @ Roushan Kumar Son of Late Moti Chaudhary R/o vill -
Kutumba, P.S. - Kutumba, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ahmad Ali, APP

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

ORAL ORDER

- 2 27-02-2024 Heard learned counsel appearing on behalf of the parties.
2. The petitioner seeks bail in connection with Aurangabad Excise P.S. Case No. 951 of 2023, registered for the offence under Sections 30(a), 32(1), 32(3), of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. As per FIR, there is recovery of 60 litres of Mahua Chulai 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 is a man of clean antecedent as stated in para 3 of the bail petition and he is in custody since 30.12.2023.



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 Aurangabad Excise P.S. Case No. 951 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 Court No.02, Aurangabad, Bihar.

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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