

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10905 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- KOCHAS District- Rohtas

Manish Yadav S/O Ashok Singh Yadav R/O VILLAGE- TIYARA, PS.-
RAMGADH, DIST. KAIMUR AT BHABHUA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Tiwari

For the Opposite Party/s : Mr.Jagdhar Prasad

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Kochas
P.S. Case No. 305/2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. As per prosecution case, there was alleged recovery
of 511.56 liters foreign liquor from the Scorpio vehicle in
question. The petitioner was alleged to be driver of the said
vehicle and apprehended on the spot along with other.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 04.10.2023 and bears no criminal antecedent. He further submits that the petitioner is not the owner of the alleged vehicle in question. He is merely a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits that the seizure list has not been prepared as per the law and the petitioner has not concerned with the seized liquor.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.02-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S. Case No. 305/2023.

7. However, 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.

(Ramesh Chand Malviya, J)

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