

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12188 of 2024**

Arising Out of PS. Case No.-817 Year-2023 Thana- Excise P.S. District- Sheikhpura

Sanjay Kumar Son of Late Rajendra Yadav Resident of Village/Mohalla-  
Eksari Yadav Tola, P.S.- Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sheo Nandan Prasad  
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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

ORAL ORDER

2      26-02-2024                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner is in custody in connection with Excise P.S Case No. 817 of 2023 registered for the offences punishable under Sections 30(a), 32, 41, 56(a), 56(b) of Bihar Prohibition and Excise (Amendment) Act 2018.

3. As per prosecution case, total 20 litre illicit liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has



been recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. It is next submitted that petitioner is not arrested on the spot. It is also submitted that petitioner is in judicial custody since 27.12.2023.

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 Special Excise Judge, Sheikhpura in connection with Excise P.S Case No. 817 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)

Mayank/-

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