

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14048 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- BIDUPUR District- Vaishali

Sanjeev Chaudhary @ Sanjiv Kumar Son of Mahesh Chaudhary Resident of
Village- Mile, Police Station- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Md. Matloob Rab

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

ORAL ORDER

2 28-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No.129 of 2023 registered for the offence
under Sections 30(a), 32(ii) (iii), 36 and 41(i)(ii) of the Bihar
Prohibition and Excise Act.

3. As per FIR, there is recovery of 720 litre of
illicit liquor from a pickup van bearing no. BR01GD3309.

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 petitioner was
not arrest on spot, where, his name surfaced on the basis of
statement of local Chaukidar. It is submitted that seizure list



appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 36623 of 2023 on 31.07.2023. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from a pickup van. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 06.12.2023.

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 Bidupur P.S. Case No.129 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 Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur.

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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