

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11958 of 2024**

Arising Out of PS. Case No.-207 Year-2023 Thana- MUSRIGHRARI
District- Samastipur

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Avinash Kumar Singh @ Chhotu Singh SON OF Ashok Singh @ Ashok
Kumar Singh RESIDENT OF VILLAGE- SHUMBHA DYODHI, PS- SINGHIYA,
DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

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

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Musrigharari P.S. Case No. 207 of 2023 registered for the
offence under Sections 30(a), 32, and 41(i) of the Bihar
Prohibition and Excise Act.

3. As per the F.I.R. and seizure list, altogether 441
liters of illicit liquor have been recovered from two vehicles
and in front of the courier company office.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears



form the F.I.R. and the seizure list that 81 liters of illicit liquor has been recovered from the Maruti Suzuki vehicle bearing registration No. BR-33-F-5900 and the petitioner is said to be the owner the vehicle in question. The petitioner has no concern with the alleged recovery of liquor at all. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list as no independent witness has come forward to support the seizure. The petitioner is rotting in judicial custody since 08.12.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

7. Let the, above named, petitioner be released on bail, ***after framing of Charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Court of learned Special Judge Excise-I, Samastipur in connection with



Musrigharari P.S. Case No. 207 of 2023.

8. 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 name petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner shall 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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