

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11931 of 2024**

Arising Out of PS. Case No.-442 Year-2023 Thana- DIDARGANJ District-
Patna

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Dharmendra Kumar Sonof Pannalal Ray Resident of Village- Bastal, P.S.-
Nadi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanju Singh, 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

Didarganj P.S. Case No. 442 of 2023 registered for the offence

under Sections 30(a) and 36 of the Bihar Prohibition and

Excise Act.

3. As per the F.I.R. and seizure list, altogether 80

liters of illicit liquor has been recovered from the sack of the

petitioner.

4. Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He

further submits that it appears from the F.I.R. and the



seizure list that nothing has been recovered from the conscious possession of the petitioner. 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 01.01.2024.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

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 learned Special Excise Court, Patna City in connection with Didarganj P.S. Case No. 442 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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