

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14566 of 2024

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

Pankaj Kumar, aged about 24 years, Male Son of Arvind Yadav, Resident of Village/Mohalla Eksari Yadav Tola, P.S. Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mahua Excise PS Case No. 817 of 2023 instituted for the offences punishable under Sections 30(a), 32, 41, 56(a) of the Bihar Prohibition and the Excise (Amendment) Act, 2018.

3. As per the prosecution case, 20 liters country made liquor has been recovered from a motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that the alleged liquor has not been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned



order of the learned Exclusive Special Excise Judge, Sheikhpura dated 16.01.2024, it appears that the alleged recovery is not from the possession of the petitioner. Petitioner is in custody since 27.12.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Sheikhpura in connection with Excise PS 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 (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 petitioner shall be released on bail on 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)

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