

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15610 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Raja Chaudhry, Male, aged about 24 years, son of Late Brija Chaudhary @
Birja Nand Yadav, Resident of Village- Sirisiya P.S.- Nautan District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
		Mr. Chandra Shekhar, Advocate
For the Opposite Party/s :		Mr. Parmanand Prasad, APP

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

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Siwan Muffasil (Dhanauti) PS Case No. 679 of 2023 instituted for the offences punishable under Sections 30(a), 32(ii) (iii), 41(i), (ii), 45 of the Bihar Prohibition and Excise Act and Sections 414, 353 and 427 of the Indian Penal Code.

3. As per the prosecution case, from Graphite Bolero total 1204 liters country made and Foreign made liquor was recovered and seized and upon White Bolero total 729 litters country made liquor was recovered and seized.

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. Learned counsel for the



petitioner further submits that petitioner was sitting as a passenger and another person who was driving the vehicle fled away. Nothing incriminating articles have been recovered from the conscious possession of the petitioner and only on the basis of suspicion he has been arrested by the police. Petitioner is in custody since 26.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and the impugned order of the learned Exclusive Special Excise Court No. II, Siwan dated 04.01.2024, it appears that petitioner is the passenger of the said vehicle and the seized liquor does not belong to the petitioner and no independent witness of the seizure list, 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 Special Excise Court No. II, Siwan in connection with Siwan Muffasil (Dhanauti O.P.) PS Case No. 679 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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