

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12913 of 2024

Arising Out of PS. Case No.-393 Year-2022 Thana- KHAIRA District- Saran

Monu Kumar @ Monu Rai Son of Shatrudhan Rai Resident of Village -
Sandha Dhala, Police Station - Chapra Muffasil, District - Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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

ORAL ORDER

- 2 27-02-2024 Heard learned counsel appearing on behalf of the parties.
2. The petitioner seeks bail in connection with Khaira
(Nagra) P.S. Case No. 393 of 2022, registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.
3. As per FIR, there is recovery of 93 litres of country-
made liquor from the motorcycle, bearing Registration No.BR-04M-
1396, of the petitioner.
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 recovery of alleged illicit liquor was
not made from physical possession of the petitioner. It is further
submitted that the petitioner is not the owner of the motorcycle. It is
submitted that seizure list appears doubtful being not supported by
independent witnesses, rather by police personnels. It is further
submitted that petitioner has one criminal antecedent he is in custody



since 25.11.2023.

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 Khaira (Nagra) P.S. Case No. 393 of 2022, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra.

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.

sanjeev/-

(Ramesh Chand Malviya, J)

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