

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14341 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- Excise P.S. District- Begusarai

Saurav Kumar @ Saurabh Kumar @ Saurab Kumar, Male, aged about 19 years, Son of Shambhu Ray, Resident of village - Ayodhaya Bari, Ward No. 01, P.S. - Muffasil (Lakho O.P.), District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, 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 Excise PS Case No. 564 of 2023 instituted for the offences punishable under Sections 30(a), 30(c), 32(3), 36, 56 and 62 of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 135.250 liters illegal foreign liquor and 40 liter sprit has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case. He further submits that the recovery is from a house which does not belong to the petitioner



rather the same is owned by co-accused Pawan Kumar @ Deepak Kumar. He next submits that both seizure list witnesses are members of the raiding party. There is recovery of three motorcycles which does not belong to the petitioner, in fact it belong to the co-accused Pawan Kumar @ Deepak Kumar.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Judge Excise Court No. II, Begusarai dated 09.01.2024, it appears that petitioner is named in the FIR and the recovery is total 135.250 liters and petitioner has got no criminal antecedent. Petitioner is in custody since 31.12.2023, 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 Judge, Excise Court No. II, Begusarai in connection with Excise PS Case No. 564 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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