

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14359 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- Excise P.S. District- Patna

Niraj Kumar, age about 20 years, Male son of Satyendra Paswan, Resident of village- Harvanshpur P.S.- Masaurhi District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Ms. Asha Kumari, 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 Special Case No. 143 of 2024 arising out of Masaurhi P.S. Case No. 20 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 56 liters liquor was recovered from a bag.

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 due to dirty local village politics. Nothing has been recovered from the conscious



possession of the petitioner. No independent witness made in the seizure list.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the Exclusive Special Excise Judge-II, Patna dated 25.01.2024, it appears that no any independent witness in the seizure list and the articles have been recovered for the bag. Petitioner is in custody since 10.01.2024, 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-II, Patna in connection with Special Case No. 143 of 2024 arising out of Excise Masaurhi PS Case No. 20 of 2024.

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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