

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15608 of 2024

Arising Out of PS. Case No.-872 Year-2023 Thana- Excise P.S. District- Aurangabad

Santosh Kumar, aged about 19 years, Son of Krishna Ram, Resident of Village- Titai Bigha, P.S.- Aurangabad Mufassil, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Excise PS Case No. 872 of 2023 instituted for the offences punishable under Sections 30(a), 32(1) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 262.8 liters of IMFL (Indian Made Foreign Liquor) has been recovered from two tempo vehicles.

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 on the basis of suspicion and due to dirty village politics. Petitioner has no knowledge or



concern with the seized illicit liquor. Neither any incriminating articles have been recovered from the conscious possession of the petitioner nor the seized vehicle belongs to the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 25.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and the impugned order of the Special Judge Excise Second, Jehanabad, Bihar dated 20.12.2023, it appears that there is no any independent witness of the seizure list, petitioner has got clean antecedent as stated in para 3 of the petition has no knowledge about the loaded goods on both seized vehicle, 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 Judge, Excise, Second Aurangabad, Bihar in connection with Excise PS Case No. 872 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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