

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13504 of 2024

Arising Out of PS. Case No.-354 Year-2023 Thana- PATAHI District- East Champaran

Umesh Chaudhary son of Late Mahadev Chaudhary Village- phenhara ps-
phenhara district- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with
Patahi (Pachpakari) P.S Case No. 354 of 2023 registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per prosecution case, total 23.7 litres of illicit
Nepali liquor was recovered from the motorcycle of the
petitioner bearing Registration No. BR-05AX-7679.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. Learned
counsel for the petitioner next submits that from perusal of the
seizure list it appears that there was no any independent witness.
It is also submitted that petitioner has clean antecedents as
stated in para-3 of the present bail application. The petitioner is
in custody since 24.12.2023.

5. However, learned APP for the State opposed the



prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail after framing of the charge on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran, Motihari in connection with Patahi (Pachpakari) P.S Case No. 354 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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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