

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13948 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- MADANPUR District- Aurangabad

Bulli Chouhan @Sudina Noniyan (Sudina Noniya) SON OF Ram Narayan
Noniya RESIDENT OF VILLAGE- JAMUA, PS- MADANPUR, DISTT-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mrs. Gulnar Begum, 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
Madanpur P.S Case No. 230 of 2023 registered for the offences
punishable under Sections 30(a), 34, 36 of Bihar Prohibition and
Excise Act.

3. As per prosecution case, altogether 70 litres of
spirit was recovered from a Nexon Car bearing registration No.
BRO2BJ-0870

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. It is further
submitted that no incriminating article has been recovered from
the conscious possession of the petitioner and the petitioner is
neither the driver nor the owner of the said car wherefrom the



recovery of illicit spirit has been made. Learned counsel for the petitioner next submits that the perusal of the seizure list reveals that there is no independent witnesses to the said seizure. The petitioner is stated to be in custody since 11.01.2024.

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 Special Judge, Excise Court No.I, Aurangabad in connection with Madanpur P.S Case No. 230 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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