

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15591 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- JANTA BAZAR District- Saran

Upendra Chaudhary S/o Tarkeshwar Chaudhary R/o Vill - Sobhipur, P.S. -
Janta Bazar, Dist. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Janta Bazar P.S. Case No. 213 of 2023 instituted for the offences punishable under Sections 272 and 273 and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per F.I.R., there is recovery to total 374.650 illicit liquor along with Alcohol meter, digital Thermometer and Hydrometer which is used for manufacturing of illicit liquor from the tekhana of the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case by the police. He has no



concern with the alleged recovery. The alleged house belongs to joint possession of petitioner and other co-accused persons. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is languishing in judicial custody since 20.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioner, this Court is inclined to enlarge the petitioner on bail, 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 Court of 3rd Additional District and Sessions Judge-cum-3rd Special Judge Excise, Saran at Chapra in connection with Janta Bazar P.S. Case No. 213 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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