

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15593 of 2024

Arising Out of PS. Case No.-389 Year-2023 Thana- MAIRWAN District- Siwan

Md. Hafijur Rahman, aged about 22 years, Gender-Male, Son of Abdur Rahman, Resident of Village- Rustampur, Chilmapur, P.S.- Ramgarh Taal, District- Gorakhpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, 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 Mairwa PS Case No. 389 of 2023 instituted for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 300 liters and 750 ml. Of I.M.F.L. (Indian Made Foreign Liquor) has been recovered from the Scorpio.

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 ulterior motive. Petitioner is the driver of the said vehicle. Nothing has been



recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery and the said recovery has been transplanted upon him. Petitioner has got clean antecedent as stated in para 3 of the petition and is in custody since 28.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and the impugned order of the learned Exclusive Special Excise Court No. 1, Siwan dated 23.01.2024, it appears that the recovery is from the Scorpio vehicle and there is no connection with the seized liquor from the petitioner, he is only a driver of the 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 Exclusive Special Judge, Excise Court No. 1, Siwan in connection with Mairwa PS Case No. 389 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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