

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20803 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- Excise P.S. District- Darbhanga

Chandan Kumar Dhankar Son Of Lal Bahadur Dhankar @ Lal Bahadur
Dharikar R/O-Narhiya Bazar, Ward No. 11, P.S.-Narhiya, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Namita Sharma, Advocate
Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Benipur Excise P.S. Case No. 195 of 2023 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, petitioner along with co-accused apprehended on the spot with one motorcycle and from the said motorcycle, total 72 liters of illicit Nepali country made liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to high handedness of police. He has no concern with the alleged recovered liquor. He is neither the driver nor the owner of the seized motorcycle. 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 23.10.2023.

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

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Excise Judge-I, Darbhanga in connection with Benipur Excise P.S. Case No. 195 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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