

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20244 of 2024**

Arising Out of PS. Case No.-322 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

MD. NASIR, MALE, AGED ABOUT 25 YEARS, SON OF MD. BAZID KHAN R/O-RASULABAD, TEGRAM RURAL, P.S.-NIKBA, DISTT.-KANNUJ (UTTAR PRADESH)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kishore, Advocate
Mr. Kaushal Kishore, Advocate
Mr. Kalyan Kumar Roy, Advocate
Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. A. Choudhary, Advocate
Mr. Binod Kumar No.3, APP

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

ORAL ORDER

2 15-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Buxar Industrial Area P.S. Case No.322 of 2023 registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per FIR, there is recovery of 3732.12 litre
of illicit liquor from a container bearing registration no.
UP84T0553.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case, where, petitioner is Khalasi of the alleged container and he has no knowledge about the illegal consignment of illicit liquor. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner and has no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 06.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Buxar Industrial Area P.S. Case No.322 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise 1st Buxar.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge and if the petitioner will absent on two consecutive dates without any cogent reason, the trial court shall cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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