

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16907 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- Excise P.S. District- Gaya

Manoj Kumar Son of Videshi Yadav @ Bideshi Yadav, Resident of Village-
Jabra, P.S.- Hantarganj, Dist.- Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
(Sherghati) P.S. Case No. 23 of 2024 instituted for the offences
punishable under Sections 30(a) and 56(b) of Bihar Prohibition
and Excise Amendment Act.

3. As per the prosecution case, total 100 liters of illicit
liquor has been recovered from a motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He has no concern with the
alleged recovery of liquor or with the alleged motorcycle. No
any 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. Similarly situated co-accused namely, Dharambeer Kumar has already been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 15602 of 2024. Moreover, the petitioner is languishing in judicial custody since 25.01.2024.

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 Exclusive Excise Court No.3, Gaya in connection with Excise (Sherghati) P.S. Case No. 23 of 2024.

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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