

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15602 of 2024

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

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Dharambeer Kumar @ Dharamveer Kumar, Male, aged about 21 years, Son of Ganesh Yadav, Resident of Village- Majhanpur, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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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 Sherghati Excise P.S. Case No. 23 of 2024 instituted for the offences punishable under Sections 30 (a) and 56(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

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

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 dirty village politics. He next submits that the petitioner has neither caught at the spot nor anything has been recovered from the conscious



possession of the petitioner. Petitioner has no concern with the alleged motorcycle or the seized liquor. Petitioner is in custody since 25.01.2024.

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 Excise Court No. 3, Gaya dated 31.01.2024, it appears that there is no any independent witness of the said occurrence and the petitioner has got clean antecedent, 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 Excise Court No. 3, Gaya in connection with Excise Sherghati PS 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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