

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22707 of 2024

Arising Out of PS. Case No.-628 Year-2023 Thana- Excise P.S. District- Saran

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Hemraj S/o Meharam R/o Saarla, P.S. Bakhsar, District- Barmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 21-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Sadar Excise P.S Case No. 628 of 2023 registered for the offences punishable under Sections 30(a) / 32(3) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, total 3891.6 litre illicit liquor was recovered from vehicle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Petitioner is driver of the vehicle in question. It is further submitted that no incriminating article has been



recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. Petitioner has got no criminal antecedent as stated in para 3 of the bail petition. It is also submitted that petitioner is in judicial custody since 14.02.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra, Bihar in connection with Sadar Excise P.S Case No. 628 of 2023

7. The trial court is directed to conclude the proceeding of framing of charge according to law within



a period of 15 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 the 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 further, Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court till conclusion of the trial and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bonds.

(Ramesh Chand Malviya, J)

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