

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16493 of 2024

Arising Out of PS. Case No.-2145 Year-2023 Thana- Excise P.S. District- East Champaran

Anwar Mian Son of Pramod Mian @ Farmud Mian @ Farmud Miyan
Resident of Village- Bajhiya, P.S.- Kotwal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balgovind Sharma

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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 is in custody in connection with Excise (Motihari) P.S Case No. 2145 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (amended up to date) Act 2016.

3. As per prosecution case, total 1400 litre illicit liquor was recovered in 28 gallons.

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



been recovered from the conscious possession of the petitioner. It is next submitted that in similarly situated condition one of the co-accused have been granted bail by this Court vide order dated 23.02.2024 passed in Cr. Misc. No. 11477 of 2024. 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 04.11.2023.

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 Exclusive Special Excise Court No. 2, East Champaran, Motihari in connection with Excise (Motihari) P.S Case No. 2145 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.

(Ramesh Chand Malviya, J)

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