

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17055 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Sauraj Srivastava @ Saurav Shrivastva son of Radhe Shyam Srivastava, R/o
Village- Nigoh Ps- Vishesharganj Dist- Bahraich U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rambabu Yadav, Advocate

For the Opposite Party/s : Mr.Binod Kumar, 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 Gaighat P.S. Case No. 12 of 2024 instituted for the offences punishable under Sections 272, 273, 467, 468, 471, 420 and 34 of the Indian Penal Code and Section 30(a)/36, 41(i) of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, petitioner was apprehended on the spot and from a truck bearing registration No. DL1LAG-0340, total 1543.485 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to dirty village politics. He has no concern with the alleged recovered liquor or truck. He is the driver of the said truck and he was not aware about the actual contents being transported inside it. Nothing 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. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 10.01.2024.

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 Special Judge Excise-III, Muzaffarpur in connection with Gaighat P.S. Case No.12 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)

lata/-

U		T	
---	--	---	--

