

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20767 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- MUFFASIL District- Aurangabad

Bhola Choudhary Son Of Sri Late Chhedi Choudhary Resident Of Village -
Ora, P.S. - Aurangabad Mufassil, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Aurangabad Mufassil P.S. Case No. 437 of 2023 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, total 39.60 liters of illicit liquor has been recovered from the house of the petitioner.

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 recovery. He has got no criminal antecedent. Neither the petitioner was arrested on the



spot nor 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. Petitioner is aged about 67 years old man and he languishing in judicial custody since 07.02.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Court No. 01, Aurangabad (Bihar) in connection with Aurangabad Mufassil P.S. Case No.437 of 2023.

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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