

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16857 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- DHANAHA District- West Champaran

Aftab Alam SON OF Asfaq Ahmad RESIDENT OF VILLAGE- BRAHM
JEETPUR, PS- BANUAKALA, DIST- SULTANPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, 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 regular bail in connection with Dhanha P.S. Case No. 234 of 2023 registered for the offence under Sections – 420, 467, 463, 471, 120(B) / 34 of I.P.C. and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation in the FIR, total 4462 liters and 875 ml of English liquor recovered from a truck bearing registration No. UP79 AT 2340.

4. Learned counsel for the petitioner submits that the petitioner is innocent, committed no offence and has falsely been implicated in the present case. He further submits that petitioner is Khalasi of the said truck, no independent witness of seizure list. Both the witnesses of seizure list are official witness. The petitioner is in custody since 29.11.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Having regard to the fact that period of custody of the petitioner



and also submissions made by the learned counsel for the petitioner, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Bagaha, West Champaran in connection with Dhanha P.S. Case No. 234 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 condition 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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