

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18423 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- BIHIA District- Bhojpur

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Satish Kumar, aged about 19 years, Male Son of Munshi Prasad, Resident of Village- Dayalpur, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bihiyan PS Case No. 19 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 454 liters of foreign liquor has been recovered from a Boloro Vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is neither the owner nor the driver of the vehicle. Nothing incriminating articles have been recovered from the conscious possession of



the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition. Petitioner is in custody since 27.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Court-1st, Bhojpur at Ara dated 12.02.2024, it appears that there is no any independent witness of the seizure list. Petitioner is neither the owner nor the driver of the vehicle. He was asked by his friend Mithlesh Kumar (co-accused) to drive the car and was not aware of what has been kept in the vehicle, accordingly the prayer for bail of the petitioner is allowed. 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 Exclusive Special Court of Excise-1, Bhojpur at Ara in connection with Bihiyan PS Case No. 19 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)

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