

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18504 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Sadakat Khan, Male, aged about 20 years, Son of Late Shafik Khan, Resident of Village- Madharpur, P.S.- Kannauj, District- Kannauj, Uttar Pradesh At Present, Resident of Village- Chhibara Mau, P.S.- Chhibara Mau, District- Kannauj, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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 Buxar (Industrial) PS Case No. 322 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 3732.12 liters of foreign liquor has been recovered from a truck.

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. He further submits that the



petitioner is the driver of the said vehicle and has no knowledge about the alleged liquor. Petitioner is not the owner of the said truck nor the alleged recovery belong to the petitioner. Petitioner is in custody since 07.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Judge Excise Court No.1, Buxar dated 16.02.2024, it appears that petitioner is neither the owner of the truck nor the seized articles belong to him and he is only the driver of the said 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 Special Excise Court No. 1st, Buxar in connection with Buxar (Industrial) PS Case No. 322 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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