

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18495 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Harendra Chaudhary, Male, aged about 27 years, Son of Dheeraj Singh,
Resident of Village- Lakari, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, 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 Excise
PS Case No. 58 of 2024 instituted for the offences punishable
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, total 423.720 liters of
foreign liquor has been recovered from the possession of the
petitioner.

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
alleged recovery has been made from a pick-up Van. Petitioner



was the driver of the said vehicle and on instruction of his owner he was driving the vehicle and has no knowledge about the same. He has no concern with the liquor or the vehicle. Petitioner is in custody since 24.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Judge, (Excise)-II, Kaimur at Bhabua dated 02.02.2024, it appears that no any independent witness of the seizure list and petitioner is only the driver of the vehicle and has no knowledge about the same, 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 Judge (Excise)-II, Kaimur at Bhabua in connection with Excise PS Case No. 58 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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