

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18493 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- CHANDAN District- Banka

Mukesh Kumar Sah @ Mukesh Kumar Saw, aged about 19 years, Male Son of Yugal Sah @ Yugal Saw, Resident of Village-Brahmbela Bandarbela, P.S.- Barhi (Padma O.P.), District-Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Arun Kumar 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 Special Excise Case No. 14 of 2024, arising out of Chandan P.S. Case No. 03 of 2024 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 1173.825 liters of illicit foreign made liquor has been recovered from a pick-up Van.

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 the co-driver of



the pick-up van and liquor does not belong to him. He has no knowledge about the same. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 08.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-II, Banka dated 09.02.2024, it appears that no any independent witness of the seizure list and the recovery is not from his conscious possession, he is a co-driver of 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 Additional District and Sessions Judge-II, Banka / Court Concerned, Banka in connection with Special Excise Case No. 14 of 2024, arising out of Chandan PS Case No. 03 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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