

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18617 of 2024

Arising Out of PS. Case No.-754 Year-2023 Thana- TAJPUR District- Samastipur

Md. Nafis Alam @ Raja, aged about 34 years, Male, Son of Md. Rustam,
Resident of Jora Pokhar, P.S.-Jora Pokhar, District-Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Hussamuddin Azad, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, 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 Tajpur
(Waini O.P.) P.S. Case No. 754 of 2023 instituted for the
offences punishable under Section 30(a), 41(i) (ii) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, total 873 liters of illicit
liquor has been recovered from the pick-up Van bearing
Registration No. JH10CQ-5061.

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 on the basis of dirty village



politics. He has no concern with the alleged recovery or with the alleged Pick-up Van. Petitioner is the driver of the pick-up van and no knowledge about the seized liquor. Petitioner is in custody since 29.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Court of Special Judge (Excise-02), Samastipur dated 22.01.2024, it appears that the recovery is from a Pick-up Van and not from his conscious possession. Similarly situated co-accused persons namely Sanjeev Mahto has been granted bail by this Court in Cr. Misc. No. 16922 of 2024 dated 11.03.2024, 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 Judge Excise Court-2, Samastipur in connection with Tajpur (Waini O.P.) PS Case No. 754 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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