

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18618 of 2024

Arising Out of PS. Case No.-586 Year-2023 Thana- JOKIHAT District- Araria

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Gaurav Malakar, aged anpit 25 years, Male Son of Jitendra Malakar @
Jitendra Kumar @ Jitendra Bhagat, Resident of Village - Musapur Ward
No.28, Police Station - Samastipur, District – Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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 Jokihat
PS Case No. 586 of 2023 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, total 453.750 liters of
English wine has been recovered from a Scorpio vehicle bearing
Registration No. BR01BF-5386.

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 nothing has been recovered from the conscious possession of the petitioner. Petitioner is the driver of the said vehicle and has no knowledge about the illicit liquor. Petitioner is neither the owner of the said vehicle nor any material has been recovered from his possession. Petitioner is in custody since 23.12.2023.

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, Araria dated 01.02.2024, it appears that the recovery is from the seized vehicle and petitioner is only 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 Exclusive Special Excise Court-2, Araria in connection with Jokihat PS Case No. 586 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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