

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24508 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- KHANPURA District- Samastipur

Ashish Kumar Chaudhari @ Ashish Kumar Chaudhary, Male, aged about 29 years, Son of Ramesh Kumar Chaudhari, Resident of Village- Ballipur, Ward No. 08, Hathaudi Police Station, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khanpur PS Case No. 08 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, there is recovery of 165.600 litres of illicit liquor from a Scorpio vehicle bearing registration no. DL 12CL 7288.

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. It is submitted that the petitioner is the owner of the said vehicle and has been arrested



at the spot. It is further submitted that recovery of illicit liquor was not made from the conscious possession of the petitioner rather the same was recovered from a Scorpio vehicle. Petitioner has got clean antecedent as stated in para 3 of the petition and is in custody since 12.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Judge Excise-1st, Samastipur dated 30.01.2024, it appears that petitioner is the owner of the said vehicle. Similarly situated co-accused person namely Devanand Sahni has been granted bail by this Court in Cr. Misc. No. 24270 of 2024 vide order dated 27.03.2024, 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 Exclusive Special Judge, Excise-1st, Samastipur in connection with Khanpur PS Case No. 08 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)

Anand Kr.

U		T	
---	--	---	--

