

Arising Out of PS. Case No.-904 Year-2023 Thana- Excise P.S. District- Nawada

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Vivek Kumar Sinha
For the Opposite Party/s : Mr.Arun Kumar

ORAL ORDER

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Excise P.S. Case No.904 of 2023 registered for the offence under Sections 30(a) and 56(2)(ii) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 39 litre of illicit liquor from a motorcycle of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from



a motorcycle, where, he is owner of the said motorcycle but he has no knowledge about the recovery of illicit liquor and he has no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner in custody since 18.11.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Excise P.S. Case No.904 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Nawada.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to 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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