

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25627 of 2024**

Arising Out of PS. Case No.-33 Year-2024 Thana- BUXAR District- Buxar

Kanhaiya Prasad Son Of Ramchandra Prasad Resident Of Village- Khirauli,
Ps- Dumraon, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha, 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
Buxar (Town) P.S. Case No. 33 of 2024 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act.

3. As per the prosecution case, petitioner was
apprehended on the spot and from a Bolero vehicle bearing
registration no. BR03K 1802, total 387.36 liters of illicit
foreign liquor was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Being



driver of the seized vehicle he has falsely been implicated in this case. He has no concern with the alleged recovered liquor and vehicle. Nothing incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 13.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Excise Judge 1st, Buxar in connection with Buxar (Town) P.S. Case No. 33 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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