

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22862 of 2024

Arising Out of PS. Case No.-855 Year-2023 Thana- Excise P.S. District- Banka

Deepak Kumar (Male), Aged about 21 years, Son Of Sri Ram Bhawan Singh,
Resident of Village- Salimpur Kasara, P.S.- Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate
For the Opposite Party/s : Ms.Veena Kumari Jaiswal., APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Banka
Excise P.S. Case No. 855 of 2023 instituted for the offences
punishable under Sections 30(a) and 47 of Bihar Prohibition and
Excise (Amendment) Act.

3. As per the prosecution case, petitioner was
apprehended on the spot with a truck and from the said truck
bearing registration no. JH01EF3004, total 2416 liters of Codin
Syrup was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He has no concern with the



alleged recovery. Petitioner is merely a driver of the alleged truck. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 12.11.2023.

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

6. From perusal of the F.I.R., seizure list and impugned order dated 12.12.2023, it appears that total 2416.00 liters of codin syrup was recovered from the alleged truck which was driven by the petitioner. There is no independent witness of the seizure list. On perusal of para 29 of the case diary, it also appears that Investigating Officer found the offence u/s 30(a) of Bihar Prohibition and Excise Act only and no other offences found true against the petitioner and accordingly, chargesheet has been submitted before the trial Court.

7. 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 Additional District and Sessions Judge-V, Banka in connection with Banka Excise P.S. Case No. 855 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, the petitioner shall be released on bail on furnishing bail bond with further condition that one of the bailors must be close relative of the petitioner and learned trial Court must be verified the relation of bailor and petitioner and further, the petitioner have to present physically on each and every date before the trial Court till conclusion of trial after release.

(Ramesh Chand Malviya, J)

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