

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23683 of 2024

Arising Out of PS. Case No.-508 Year-2023 Thana- Excise P.S. District- Saran

Maksud Alam S/O Diyakat Ali R/O Village- Karimchak, P.S- Town (chapra Town), Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with Sadar Excise P.S. Case No. 508 of 2023 registered for the offence under Section 30(a) & 32(3) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery of total 40 liters of illicit liquor from inside a tempo in presence of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner. He further submits that the petitioner is in custody since 23.07.2023.

5. However, learned APP for the State vehemently



opposed the prayer for regular bail.

6. On perusal of FIR, impugned order dated 07.12.2023 and seizure list, it appears that there is no independent witness of the seizure list. Considering the aforesaid facts and circumstances of the case, let the petitioner, abovenamed, 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 learned Court of Ist Special Judge, Excise, Saran at Chapra in connection with Sadar Excise P.S. Case No. 508 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the above conditions and he shall be present physically on each and every date before the trial court till conclusion of proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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