

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23047 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- DORIGANJ District- Saran

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Dhiraj Kumar, Male aged about 22 years Son of Dinesh Ray, Resident of village - Manupur, Mirzapur Zuara, P.S. - Avtarnagar, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Doriganj P.S. Case No. 326 of 2023 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 167.37 liters of illicit English wine along with motorcycle and unregistered number truck have been seized by the accused persons in presence of two witnesses.

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 only on the basis of ulterior



motive of the police. He further submits that the petitioner is not named in the FIR and story is false, concocted and baseless. Nothing has been recovered from the conscious possession of the petitioner rather all the illicit liquor recovered from the truck which does not belong to the petitioner. Petitioner is in custody since 16.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 3rd Exclusive Special Excise Court Saran at Chapra dated 13.02.2024, it appears that the petitioner is not named in the FIR and his name surfaced only on the basis of confessional statement of co-accused. There is no independent witness of the seizure list. Similarly situated co-accused person has been granted bail by this Court in Cr. Misc. No. 11903 of 2024 vide order dated 26.02.2024, 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 3rd Exclusive Special Judge Excise, Saran at Chapra in connection with Doriganj P.S. Case No. 326 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, 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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