

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24074 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- PHULWARIYA District- Gopalganj

Balindra Yadav SON OF Parma Yadav RESIDENT OF VILLAGE-
LUHUSHI, PS- BHORE, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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
Phulwariya P.S. Case No. 74 of 2024 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery
of total 189 liters of country made illicit liquor from inside
Honda city car bearing registration No. UP16H0111.

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 said to be
the driver of the said vehicle is in custody since 18.02.2024.

5. However, learned APP for the State vehemently
opposed the prayer for regular bail.



6. On perusal of FIR, impugned order dated 20.02.2024 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 Additional Sessions Judge – II – cum – Special Judge, Excise – I, Gopalganj in connection with Phulwariya P.S. Case No. 74 of 2024.

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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