

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23934 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- BRAHMPUR District- Buxar

Upenddra Yadav Son of Late Hari Narayan Yadav Resident of Village-
Hariharpur, P.S.- Shahpur, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surajdeo Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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

ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks regular bail in connection with
Brahampur (Nainijore) P.S. Case No. 404 of 2023 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 1340 piece of illicit foreign liquor from inside of Bolero
Vehicle bearing registration No. BR 44-P-0498.



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 and he is in custody since 30.01.2024.

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

6. On perusal of FIR and impugned order dated 16.02.2024 passed by learned Special Judge Excise Court No. 2, Buxar 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 Special Judge Excise, Court No. 2, Buxar in connection with Brahampur Nainijore P.S. Case No. 404 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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