

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24217 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- BACHHWARA District- Begusarai

Niraj Kumar Srivastava @ Bambam Singh @ Neeraj Kumar Shrivastav Son
of Radheshyam Srivastava Resident of Village- Nigho, Post- Raniyapur, P.S.-
Visheshwar Ganj, District- Bahrach Pania (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

**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
Bachhwara P.S. Case No. 10 of 2024 registered for the offence
under Sections 467, 468, 120B of the IPC and Section 30(a), 32
(2), 41 of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery
of total 7452 liters of illicit liquor from inside a truck bearing
registration No. M.H. 18 BC – 9861.

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 petitioner is the driver of the said vehicle and is in custody since 13.01.2024.

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

6. On perusal of FIR, impugned order dated 16.02.2024 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 Exclusive Special Excise Judge – 1st, Begusarai in connection with Bachhwara P.S. Case No. 10 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 trial of this case and if the petitioner remain absent on two consecutive



dates without any cogent reason, the bail bonds of the petitioner shall be cancelled by the trial Court itself.

(Ramesh Chand Malviya, J)

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