

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28633 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- BIHTA District- Patna

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Pabu Ram, Male aged about 19 years, Son of Late Jagdish Ji, Resident of
Village- Rohilapurv, P.S. Dhorimna, District- Barmer, Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupam Prabhat Shrivastava, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Excise Case No. 251 of 2024 arising out of Bihta P.S. Case No.
74 of 2024 instituted for the offences punishable under Sections
30 (a), 32(2) 32(3), 36 41(i) and 41(2) of the Bihar Prohibition
and Excise Act.

3. As per the prosecution case, total 7410.600 liters of
illicit foreign made liquor was recovered from a truck.

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. Petitioner is driver and he
had no knowledge about the illicit foreign made liquor in the



truck. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 20.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Excise Judge, Danapur dated 16.02.2024, it appears that petitioner is the driver of the said truck. There is no any independent witness of the seizure list, nothing has been recovered from the possession of the petitioner and there is no conclusive proof that the petitioner had anyhow connected with the above mentioned incident. Petitioner is not the owner of the truck and only the driver of the aforesaid truck. Chargesheet has already been submitted in this case, 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 Special Excise Judge, Danapur in connection with Special Excise Case No. 251 of 2024 arising out of Bihta 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 (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 further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

8. One of the bailors shall be close relative of the petitioner. The trial Court is further directed to verify the relationship between the petitioner and the bailors and thereafter their bail bonds shall be accepted.

(Ramesh Chand Malviya, J)

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