

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23680 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- MAIRWAN District- Siwan

1. Santosh Sah SON OF NAGENDRA SAH RESIDENT OF VILLAGE-
MADHOPUR, PS- TARAIIYAN, DIST- SARAN
2. DEEPAK KUMAR SON OF BHAGIRATHI CHAUDHARY RESIDENT
OF VILLAGE- BADKI GHOSHIA, PS- BIKARAMGANJ, DIST- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Ms. Meena Singh

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 Mairwa P.S. Case No. 39 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 164.280 liters of illicit foreign liquor from the Honda City Car bearing registration No. BR-01-AS-5279.

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 the petitioner is in custody since 09.02.2024.

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

6. On perusal of FIR, impugned order dated 04.03.2024 and seizure list, it appears that there is no independent witness of the seizure list. Petitioner is neither the owner nor the driver of the said vehicle. 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 Court No. 1, Siwan in connection with Mairwa P.S. Case No. 39 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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