

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23725 of 2024**

Arising Out of PS. Case No.-1336 Year-2023 Thana- Excise P.S. District- Gopalganj

Mintu Chauhan @ Mintu Kumar Chauhan Son of Rajmangal Chauhan @  
Rajmangal Mahato R/o Village- Chhitauna, P.S.- Kateya, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikash Kumar Shukla

For the Opposite Party/s : Mr. Humayou Ahmad Khan

**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  
Excise Case No. 1336 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 33 liters of illicit liquor.

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 in custody  
since 27.12.2023.

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

6. On perusal of FIR, impugned order dated



09.02.2024 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 District & Sessions Judge – 4<sup>th</sup> cum – Exclusive Special Judge, Excise Court – II, Gopalganj in connection with Excise Case No. 1336 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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