

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23910 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- SIRDALA District- Nawada

RAJESH KUMAR SON OF RANJIT RAJVANSHI RESIDENT OF
VILLAGE - KALDIHA, P.S. - SIRDALA, DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, 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
Sirdala P.S. Case No. 45 of 2024 registered for the offence
under Section 30(a) and 41 of the Bihar Prohibition and Excise
Act.

3. As per allegation in the FIR, it is a case of recovery
of total 195 liters of illicit Desi Mahua wine liquor from the
possession of the petitioner.

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 has no criminal antecedent as stated in para 3 of the application and petitioner is in custody since 07.02.2024.

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

6. On perusal of FIR and impugned order dated 20.02.2024 passed by learned Exclusive Special Excise Court – 1, Nawada 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 Court No. 1, Nawada in connection with Sirdala P.S. Case No. 45 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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