

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23970 of 2024

Arising Out of PS. Case No.-36 Year-2015 Thana- Excise P.S. District- Khagaria

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Sunil Choudhary SON OF SHIVNANDAN CHOUDHARY RESIDENT OF
VILLAGE- GAJI GHAT, SHUMBHA, PS- ALAULI, DIST- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shive Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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**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
Excise Case No. 36C3/15 registered for the offence under
Sections 47(a) 47(f) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery
of total 90 liters of country made illicit liquor from inside 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 12.02.2024.

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

6. On perusal of FIR and impugned order dated 02.03.2024 passed by learned Special Excise Judge 2, Khagaria 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 Special Excise Judge - IInd , Khagaria in connection with Excise Case No. 36C3/15.

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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