

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24603 of 2024

Arising Out of PS. Case No.-45 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

Upendra Yadav Son of Late Saudagar Resident of Village- Usari, P.S.
Buniyadganj, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Akela
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Excise P.S. Case No.45 of 2014 registered for the offence under Sections 47(a) and (f) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to have engaged in illegal trade of illicit liquor and there is recovery of 3800 kg of Java Mahua, 400 litres of illicit liquor, etc. from the possession of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical



possession of the petitioner and he has no concern with the alleged recovery of illicit liquor as well as place of recovery. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 23.02.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Excise P.S. Case No.45 of 2014 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/Exclusive Excise Court No.3, Gaya.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition



that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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