

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25169 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- AMAUR District- Purnia

Munshid @ Jharia @ Md. Munsed, Male, aged about 28 years, Son of Md. Ayyub @ Nepali, Resident of Badarpur, P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Amour P.S. Case No. 185 of 2023 instituted for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 169 liters of illegal liquor has been recovered from a car bearing Registration No. BR 11H-3853.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of suspicion. He further submits petitioner has not been arrested at



the spot and nothing has been recovered from the conscious possession of the petitioner. Petitioner has got no concern with the alleged recovery or illegal liquor. Petitioner is in custody since 22.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, search cum seizure list and the impugned order of the learned Exclusive Special Judge Excise-02, Purnea dated 28.02.2024, it appears that total 169 liters of illegal liquor has been recovered from a car bearing Registration No. BR 11H-3853, petitioner has not been arrested at the spot and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Exclusive Special Judge Excise-02, Purnea in connection with Amour P.S. Case No. 185 of 2023.

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 petitioner shall be released on bail on above conditions and he shall be 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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