

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25265 of 2024

Arising Out of PS. Case No.-1103 Year-2023 Thana- Excise P.S. District- Siwan

Mumtaz Mansoori, aged about 30 years, Male, Son of Basir Mansoori @ Md. Basir Mansoori, Resident of village -Baikunth Chhapar, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Ms. Nirmala Kumar, I/C APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

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

2. The petitioner seeks bail in connection with Excise P.S. Case No. 1103 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, there is recovery of total 235.800 liters of different brands of foreign liquor from a vehicle Ecco Sport Titanium bearing Registration No BR 29 AE-8999.

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 due to police mechanism. He



further submits that the petitioner was caught at the spot and no illicit liquor has been recovered from the possession of the petitioner. He next submits that the seized liquor and the vehicle does not belong to the petitioner. There is nothing on record to show that the petitioner is involved in selling, purchasing or transportation of the illicit liquor. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 30.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Excise Court No.2, Siwan dated 09.02.2024, it appears that the seized articles and the vehicle does not belong to the petitioner and he is only the driver of the said vehicle, 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 2nd Exclusive Special Excise Court, Siwan in connection with Excise P.S. Case No. 1103 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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