

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25660 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- Excise P.S. District- Gaya

Chandu Kumar @ Chandra Kumar S/o- Harendra Rai R/o Vill- Kesaur, P.S.-
Dev, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Sharma, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, 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
(Sherghati) P.S. Case No. 15 of 2024 instituted for the offences
punishable under Sections 30(a) and 56(b) of Bihar Prohibition
and Excise Amendment Act.

3. As per the prosecution case, petitioner was
apprehended on the spot and from a Tempu, total 95.76 liters of
illicit liquor was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Being
driver of the seized Tempu he has falsely been implicated in this
case. He has no concern with the alleged recovered liquor and



vehicle. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 14.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Court of Exclusive Excise Court No. 3, Gaya in connection with Excise (Sherghati) P.S. Case No. 15 of 2024.

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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