

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27641 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- Excise P.S. District- Siwan

Uttam Kumar, Aged about 31 years, Gender-Male, S/o- Late Jhamindar Rai
R/o- Village- Dhum Nagar, Mahna, PS- Bhagwanpur Hat, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

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

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Siwan
Excise P.S. Case No. 54 of 2024 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per the prosecution case, petitioner was apprehended
on the spot and from the Bolero vehicle bearing registration No.
BR29M-8375, total 198.720 liters of I.M.F.L. was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has falsely
been implicated in this case. He has no concern with the alleged
recovered liquor and vehicle. Petitioner is a driver of the said vehicle.
Nothing incriminating article has been recovered from his conscious



possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 01.02.2024.

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 Exclusive Special Judge, Excise Court No. II, Siwan in connection with Siwan Excise P.S. Case No.54 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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