

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29338 of 2024**

Arising Out of PS. Case No.-108 Year-2024 Thana- Excise P.S. District- Begusarai

Sandeep Kumar @ Sandip Kumar, Male, aged about 40 years, Son of
Narmadeshwar Prasad Singh @ Narmadeshwar Singh, Resident of Village-
Bariyarpur (Bariarpur), Ward No. 08, P.S.- Balia (Ballia), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

2 18-04-2024 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. 108 of 2024 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. As per the prosecution case, total 144.000 liters of
country made wine has been recovered from the possession of
the petitioner.

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. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. It is also mention that both the seizure list witnesses are members of the raiding party. Petitioner is in custody since 04.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Judge Excise Court No. II, Begusarai dated 13.03.2024, it appears that there is recovery of country made wine but 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-II, Begusarai in connection with Excise P.S. Case No. 108 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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