

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29062 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- Excise P.S. District- Buxar

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Amit Kumar Singh, aged about 23 years, Male Son of Sri Munna Singh,
Resident of Village - Kamarpur, P.S. - Buxar (M), District – Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Advocate

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

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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 Buxar
Excise P.S. Case No. 99 of 2024 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. As per the prosecution case, total 44.640 liters
country made liquor has been recovered from a plastic bag.

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. He further submits that the
petitioner is the passerby on the road and he has no knowledge
about the recovered illicit liquor and the police has been made



accused. He next submits that no recovery has been made from the conscious possession of the petitioner and the alleged recovery is from the road side. Petitioner is a poor and he is the only bread earner of his family. Petitioner is in custody since 09.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Judge Excise Court No. 2, Buxar dated 18.03.2024, it appears that the seized articles have been recovered from the road side, the petitioner is passerby on the road and has no knowledge about the same. 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 Court No. 2, Buxar in connection with Buxar Excise P.S. Case No. 99 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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