

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29216 of 2024

Arising Out of PS. Case No.-612 Year-2023 Thana- Excise P.S. District- Saran

Santosh Kumar Prasad, Male, aged about 40 years, Son of Late Tarkeshwar Prasad, Resident of Village - Naika Badka, Baiju Tola, Ward No. 18, P.S. - Riwilganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, 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 Sadar Excise P.S. Case No. 612 of 2023 instituted for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 63,600 litres of illicit foreign liquor and a commander jeep bearing registration no. BR 31 8044 has been recovered in presence of two witnesses from raiding party.

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. Petitioner is the driver of the said vehicle and he has no concern of the said recovery of



the liquor as he has no knowledge about the whole episode. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 09.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned 3rd Exclusive Special Excise Court, Saran at Chapra dated 18.03.2024, it appears that petitioner is the driver of the said vehicle, he has no knowledge about the same and 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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sadar Excise P.S. Case No. 612 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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