

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28688 of 2024

Arising Out of PS. Case No.-70 Year-2012 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

Dilip Chaudhary, Aged about 40 years (Male), Son Of Late Kishun Choudhary, Resident Of Village-Pachrukhi, Pachrukhi Kothi, P.S.- Akbarpur, District - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with G.O. Case No. 70 of 20212 instituted for the offences punishable under Section 47(A) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 100 liters of illicit country made liquor was recovered from the house of the petitioner.

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 recovery. Neither the petitioner was arrested on the spot



nor any incriminating article has been recovered from his conscious possession. The said recovery was made from the joint residential house of the petitioner. The seizure list has not been prepared according to Section 100 of the 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 23.03.2024.

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 Excise Court-2, Nawada in connection with G.O. Case No.70 of 2012.

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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