

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29242 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- HARSIDHI District- East Champaran

Raju Chaudhary, Male, aged about 35 years, Son of Banshi Chaudhary,
Resident of Village- Banchhihuli, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, 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
Harsidhi P.S. Case No. 89 of 2024 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2022.

3. As per the prosecution case, total 20 liters country
made liquor has been recovered from the possession of the
petitioner and others.

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
petitioner was never indulged in such type of alleged



occurrence. It is stated that the petitioner is the close agnate of co-accused Raj Kumar Chaudhary and at the time of alleged occurrence he was standing near the house of co-accused Raj Kumar Chaudhary and in the meantime, the police reached there and arrested in this case showing alleged recovery. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 24.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Judge- 1, East Champaran, Motihari dated 15.03.2024, it appears that the seized articles have been recovered from the house of the co-accused Raj Kumar Chaudhary 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 Exclusive Special Excise Judge- 1, East Champaran, Motihari in connection with Harsidhi P.S. Case No.89 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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