

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31816 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- BHITAHA District- West Champaran

Dhrup Yadav @ Dhruv Yadav, aged about 34 years, Gender-Male Son of Babu Nand Yadav @ Babu Nandan Yadav, Resident of Village - Rupahi Yadav Tola, Police Station - Bhitaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bhitaha P.S. Case No. 18 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 108 liters country made liquor has been recovered from motorcycle.

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 has been named in the FIR and he has not arrested at the place of occurrence but he has no any concern with the said illicit liquor. Petitioner is in



custody since 13.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Special Judge Excise, Bagha, West Champaran dated 21.03.2024, it appears that the seized articles have been recovered from the motorcycle, there is no any independent witness of the seizure list and the name of the petitioner has been surfaced on the basis of confessional statement of co-accused Arjun Yadav, 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 Special Judge, Excise, Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 18 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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