

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29187 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- Excise P.S. District- Gaya

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Chandan Kumar, age 26 years, Gender-Male, Son of Krishna Das, Resident of
Village- Satrampur, P.S. Hunterganj, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj 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 Excise
(Sherghati) P.S. Case No. 51 of 2024 instituted for the offences
punishable under Sections 30 (a) and 56 (b) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 50 liters illicit
liquor has been recovered from the petitioner's motorcycle and
the same was seized on spot.

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 never involved in such type of occurrence. Petitioner is the owner of the alleged recovered motorcycle. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 12.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Excise Court No. 3, Gaya dated 16.03.2024, it appears that the seized articles have been recovered from the motorcycle of the petitioner but 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 Court No. 3, Gaya in connection with Excise (Sherghati) P.S. Case No. 51 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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