

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31290 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- Excise P.S. District- Siwan

Ashok Kumar Pandey S/o Amarnath Pandey R/o vill - Rahtauwa, P.S. -
Darauli, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Ms. Nirmala Kumari, APP (I/C)

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 23-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Siwan Excise P.S. Case No.144 of 2024 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. As per FIR, there is recovery of 561.600 litre
of illicit liquor from a car.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner was driver of
the said vehicle and was not aware with regard to illegal
consignment of the illicit liquor. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioner and he has no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 12.03.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Siwan Excise P.S. Case No.144 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.II, Siwan.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition



that the petitioner have to 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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