

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31461 of 2024**

Arising Out of PS. Case No.-18 Year-2024 Thana- KUNDWACHAINPUR District- East  
Champaran

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Saroj Kumar, Aged about 28 years, Gender-Male, Son of Narayan Sah,  
Resident of Village -Raksa Rahimpur, P.S.-Dhaka, District- East Champaran,  
Motihari

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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**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  
Kundwa Chainpur P.S. Case No. 18 of 2024 instituted for the  
offences punishable under Sections 414/34 of the Indian Penal  
Code and Sections 30(a), 32 and 41(1) of Bihar Prohibition and  
Excise (Amendment) Act.

3. As per the prosecution case, petitioner was  
apprehended on the spot with a motorcycle and from the said  
motorcycle, total 189 liters of illicit liquor was recovered.

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 recovered liquor and motorcycle. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is languishing in judicial custody since 21.02.2024.

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 No.03, Civil Court, East Champaran at Motihari, Bihar in connection with Kundwa Chainpur 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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