

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35104 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- AMBA District- Aurangabad

Gautam Kumar, (male), aged about 20 years, S/O Subhash Yadav, R/O Village- Bhaluhara, P.S.- Muffasil, Dist-Aurangabad(Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Amba P.S. Case No. 46 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 129.6 liters of country made liquor has been recovered from the two different 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 been arrested at the place of occurrence but he has no any concern with the said illicit liquor. There is no any eye witness of the occurrence. He further submits that the petitioner is not the owner but he was only the driver of the said vehicle. Similarly situated co-accused person has already been granted bail by this Court vide order dated 24.04.2024 passed in Cr. Misc. No. 31798 of 2024. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 10.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order, it appears that the seized articles have been recovered from the motorcycle 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 Special Judge Excise-01, Aurangabad, Bihar in connection with Amba P.S. Case No. 46 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)

Nilmani/-

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