

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36900 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- KHAIRA District- Saran

Naresh Chaudhary S/o Late Marai Chaudhary R/o Rauja, Masihan Tola, P.S. -
Khaira Nagara, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtunjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, 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 Khaira
P.S. Case No. 63 of 2024 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act.

3. As per the prosecution case, total 50 liters of illicit
country made liquor from the spot which was duly seized in
presence of two raiding party.

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. It



is next submitted that co-accused has already granted bail *vide* order dated 24.04.2024 passed in Cr. Misc. No. 31818 of 2024. Petitioner is in custody since 02.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned 3rd Exclusive Special Excise Court, Saran at Chapra dated 23.03.2024, it appears that the seized articles have been recovered from the spot 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 3rd Exclusive Special Excise Court, Saran at Chapra / Concerned Court in connection with Khaira P.S. Case No. 63 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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