

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64821 of 2024

Arising Out of PS. Case No.-444 Year-2024 Thana- Excise P.S. District- Patna

Baiju Ram @ Baiju Kumar, aged about 45 years, Male, son of Late Dukhan Ram, resident of village-Sewanani, P.S. Karona, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 30(a), 32(3) and 56(b) of the Excise Act.

3. As per allegation in the FIR, total 165 liters of country made liquor was found with three wheeler tempo bearing registration no.BR-25-PA-0247.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and no occurrence is said to have taken place and the petitioner is the driver of the said tempo and no incriminating articles have been recovered from the conscious possession of the petitioner and petitioner has got clean antecedent as stated in para-3 of the



petition and he is in custody since 03.08.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the fact that petitioner has got no criminal antecedent, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-III, Patna in connection with Excise Thana Masaurhi P.S. Case No.444 of 2024.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 has to be present physically on each and every date before the trial court till conclusion of the trial.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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