

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74573 of 2023

Arising Out of PS. Case No.-44 Year-2014 Thana- HALSI District- Lakhisarai

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Ghamandi Dhandhi @ Dhamani Dhandhi S/O Ajho Dhandhi @ Ajhorat
Dhandhi R/O Village- Kakarouri, P.S- Halsi, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 01-04-2024 Heard the parties.

2. This application has been filed for setting aside order dated 19.07.2023 passed in Cr. Misc. No. 37 of 2023 and also to modify the order dated 27.04.2024 passed by the learned Additional District & Sessions Judge-IV-cum-Special Excise Court, 1st Lakhisarai whereby petitioner was granted regular bail *vide* order dated 27.04.2023 with a condition that the petitioner will furnish bail-bonds after the framing of charge. From the record it transpires that petitioner was taken into custody in connection with Halsi P. S. Case No. 44 of 2014 registered under Sections 41(A)(F) and 47(A) of the Bihar Excise Act, 1915.

3. Learned counsel for the petitioner submits that though the petitioner was granted the privilege of regular bail on



27.04.2023 but with with a condition that petitioner will furnish bail-bonds after the framing of charge. He next submits that petitioner is languishing in custody in connection with Halsi P. S. Case No. 44 of 2014 since 21.03.2023 and the charge has not been framed against him till date. Petitioner cannot be faulted for not framing of charge against him and he cannot be kept behind the bars for indefinite period and suffer mental agony. Lastly, he submits that *vide* order dated 22.12.2023, petitioner has already been released on provisional bail on furnishing bail bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Excise Court-I, Lakhisarai in connection with Halsi P. S. Case No. 44 of 2014.

4. Considering the facts and circumstances of the case, period of custody and the fact that petitioner alone cannot be faulted for not framing of charge till date, the provisional bail of the petitioner is confirmed. Order dated 27.04.2024 passed by the learned Additional District & Sessions Judge-IV-cum-Special Excise Court, 1st Lakhisarai is modified and order dated 19.07.2023 passed in Cr. Misc. No. 37 of 2023 passed by the learned Additional District & Sessions Judge-IV-cum-Special Excise Court, 1st Lakhisarai is, hereby, quashed.



5. This quashing application stands allowed.

(Prabhat Kumar Singh, J)

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