

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85316 of 2023

Arising Out of PS. Case No.-524 Year-2023 Thana- Excise P.S. District- Supaul

Chandan Kumar, aged about 28 years, Male, son of Upendra Prasad Yadav @
Upendra Yadav r/o vill – Chikni, Phulkaha, Ward no. 3, PS. - Gamahariya,
Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Excise Prohibition P.S. Case No. 524 of 2023 registered for an
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, it is a case of recovery of
218 liters of codeine mixed cough syrup.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and he is in
custody since 31.08.2023.

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



6. From perusal of the first information report and seizure list, it appears that no independent witness of seizure list and all witnesses are an official witnesses who are in Excise Department and petitioner has got clean antecedent as stated in para-3 of the petition, in these circumstances, I am inclined to grant bail to the petitioner.

7. Under the aforesaid facts and circumstances, let the above named petitioner be released on bail *after framing of the chargesheet* on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-cum-Exclusive Special Judge, Excise, Court No.2, Supaul in connection with Misc Excise No. 3499 of 2023 arising out of Excise Prohibition P.S. Case No. 524 of 2023.

8. 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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of



framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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