

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5722 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- BHAPTIAHI District- Supaul

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Kunal Kumar Jha @ Kunal Jha, aged about 23 years, Male Son of Kamlanand Jha, Resident of Village - Kamalpur, Ward No. 01, Police Station - Kunauli, District – Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhaptiyahi PS Case No. 144 of 2023 instituted for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, there is recovery of 1188 liters of Nepali liquor from the car.

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. From perusal of the bail petition, FIR and rejection order of the learned Exclusive Special Judge, Excise dated 13.12.2023, it appears that



petitioner has not arrested on the spot and there is no recovery attributed from the conscious possession of the petitioner. Petitioner is in custody since 14.11.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail *after framing of the 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 Exclusive Special Judge, Excise Court No. 1, Supaul in connection with S.T. Excise No. 1036 of 2023, arising out of Bhaptiyahi PS Case No. 144 of 2023 with a condition that petitioner shall physically present before the trial Court.

7. However, the Court below is directed to conclude the framing of the charge according to law within a period of one month from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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