

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9884 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- KHAJAULI District- Madhubani

Vivek Singh @ Vivek Kumar Son Of Kishori Singh Resident Of Village-
Laskariya, P.S.-Jaynagar, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, Adv.

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Khajauli P.S Case No. 38 of 2023 registered for the offences punishable under Sections 272, 273, I.P.C. and under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, total 180 litre of illicit wine and two motorcycle were recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that no recovery was made from the



conscious possession of the petitioner. Learned counsel for the petitioner submits that similar situated condition one of the co-accused have been granted bail by the Coordinate Bench of this Court *vide* order dated 28.07.2023 passed in Cr. Misc. No. 40674 of 2023. It is also submitted that petitioner is in judicial custody since 21.10.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner 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 learned A.D.J. II cum Special Judge Excise Act, Madhubani, District- Madhubani in connection with Khajauli P.S Case No. 38 of 2023.

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 petitioner shall be released on bail on the 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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