

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8746 of 2024

Arising Out of PS. Case No.-98 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Bikash Kumar Son Of Pawan Yadav Resident Of Village - Lahsorwa, P.S. -
Piribazar, District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Adv.

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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

ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Piribazar P.S Case No. 98 of 2021 registered for the offences punishable under Sections 272, 273/34 of the I.P.C and 30(a)(b)(c) Bihar Prohibition and Excise Amendment Act 2018.

3. As per allegation in the FIR, total 100 litre Mahua country made liquor and 1000 litres Java Mahua recovered from the field of Mung of Anandi Yadav.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case.



He further submits that no recovery from the conscious possession of the petitioner and petitioner is not arrested on the spot. It is next submitted that recovery is made from an open place which is accessible to anyone. It is submitted that on perusal of the seizure list there are no independent witnesses. It is also submitted that petitioner is in judicial custody since 26.09.2023.

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 Addl. District & Sessions Judge- IV cum Special Excise Court 1st , Lakhisarai in connection with Piribazar P.S Case No. 98 of 2021

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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