

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7444 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- BAUNSI District- Banka

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Rahul Kumar S/o- Naresh Kumar Village- Chandpura Ps- Neemchandpura
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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

ORAL ORDER

2 12-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Bounsi P.S. Case No.352 of 2023 registered for the offence
under Sections 30(a), 47 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution story, there is recovery of
786.12 litres of illicit liquor from a pickup van.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case on the basis of mere suspicion. It has further been submitted that recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner, rather the same was recovered from a pickup van. It is also submitted that petitioner is neither driver nor owner of the alleged vehicle from where the recovery of illicit liquor was made and he has no concern with the alleged recovery as well as vehicle. It is further submitted that the petitioner is a man of clean antecedent and he is in custody since 07.12.2023.

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

6. Considering the facts and circumstances and as no recovery of illicit liquor has been made from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail *after framing of the charge* in connection with Bounsi P.S. Case No.352 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka.

7. However, 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.

(Ramesh Chand Malviya, J)

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