

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9327 of 2024

Arising Out of PS. Case No.-214 Year-2022 Thana- KURSAILA District- Katihar

Kundan Kumar Son of Sunil Singh Resident of Devipur, P.S.- Kursela, Distt-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Kursela P.S. Case No. 214 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. It is a case of recovery of total 89.625 liters of liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Nothing has been recovered from the possession of
the petitioner. He further submits that the petitioner is in custody
since 06.12.2023. He further submits that co-accused, namely,
Jitendra Kumar Sah has already been granted bail by co-
ordinate Bench of this Court vide order dated 20.12.2022 in Cr.



Misc. No. 70649 of 2022.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Having heard both the parties, perused the first information report, seizure list, bail petition and impugned order dated 06.02.2023 passed by learned Additional District & Sessions Judge, Exclusive Excise Court No. 2, Katihar, it appears that total 89.625 liters of foreign liquor recovered from one tempo bearing registration No. BR-PA-1997 co-accused Kishan Sah arrested at spot. Petitioner's name was surfaced by co-accused Kishan Sah. Considering the aforesaid facts and circumstances, the period of custody of the petitioner, the above named petitioner is directed to be released on bail *after framing of charge* on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Excise Court No. 2, Katihar in connection with Kursela P.S. Case No.214 of 2022.

7. 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 petitioner shall be present on each and every



date before the Trial Court till conclusion of the proceeding of
the framing of charge.

(Ramesh Chand Malviya, J)

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