

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9846 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- GUTHANI District- Siwan

Lalit Kumar Son Of Ashok Kumar Shivher Resident Of Village-Phatehpur,
Lodhee Ganj, P.S.-Kotwali, District-Phatehpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dimpal Kumari, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Guthani P.S Case No. 248 of 2023 registered for
the offences punishable under Sections 30 (a) of Bihar
Prohibition Excise Amendment Act 2018

3. As per allegation in the FIR, total 120.600
litre of illicit liquor was recovered from the vehicle.

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. It is also



submitted that petitioner is in judicial custody since 07.09.2023. Petitioner has not criminal antecedent as stated in para 3 of the petition.

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 Exclusive Special Excise Court No. 1, Siwan in connection with Guthani P.S Case No. 248 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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