

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11555 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- KOTWALI District- Munger

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Nilesh Kumar SON OF Sri Dileep Yadav RESIDENT OF VILLAGE-
SHERPUR, PO- BASUDEOPUR, PS- KOTWALI (BASUDEOPUR),
DISTT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Karn

For the Opposite Party/s : Mr.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Kotwali (Basudeopur O.P.) P.S Case No. 455 of
2023 registered for the offences punishable under
Sections 30(a)/32 of the Bihar Prohibition & Excise
Amendment Act 2018.

3. As per allegation in the FIR, total 1096.560
illicit liquor has been recovered from the truck
container.

4. Learned counsel for the petitioner submits



that petitioner has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. Similarly, situated co-accused person namely, Anshu Singh has been granted bail by this Court *vide* order dated 21.02.2024 passed in Cr. Misc. No. 10044 of 2024. It is also submitted that petitioner is in judicial custody since 23.12.2023.

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 Exclusive Special Judge, Excise – II, Munger in connection with Kotwali (Basudeopur O.P.) P.S Case No. 455 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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