

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8360 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- RAIYAM District- Darbhanga

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Kundan Kumar @ Kundan Kumar Mahto @ Spider S/O Late Rambilash
Mahto Mohalla- Bheluchak, Dalmill (KABIRCHK), P.S. Sadar, District
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

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

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Raiyam P.S. Case No. 07 of 2023 registered for the offence
under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. It is a case of recovery of total 360 liters of Nepali
Liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He is in judicial custody since 25.11.2023.

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

6. Having heard learned counsel for the parties, perused



the F.I.R., seizure list and impugned order dated 20.12.2023 passed by learned Exclusive Special Judge – II, Excise Act, Darbhanga it appears that the name of the petitioner surfaced from the confessional statement of arrested co-accused person, namely, Md. Sajid Alam. No recovery was made from the possession of the petitioner. Considering the aforesaid facts and circumstances, 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 Exclusive Special Judge -II, (Excise Act), Darbhanga in connection with Raiyam P.S. Case No. 07 of 2023.

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 receipt of a copy of this order. However, it is made clear that if the charge-sheet has not been framed then the petitioner shall be present physically on each on every date before the Trial Court till conclusion of the proceeding.

(Ramesh Chand Malviya, J)

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