

Arising Out of PS. Case No.-1394 Year-2023 Thana- Excise P.S. District- Darbhanga

Vijay Kumar SON OF LATE RAM BABU SAH RESIDENT OF VILLAGE-BELA GARDEN POLYTECHNIC CHOWK, WARD NO. 03, PS-UNIVERSITY, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Prohibition (Sadar) P.S. Case No.1394 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 43.200 litre of illicit liquor from the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case, where, petitioner was not arrested on spot. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner



rather the same was recovered from an abundant open place of the house, which is jointly occupied by the other family members. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 16.12.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Prohibition (Sadar) P.S. Case No.1394 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge 1st (Excise Act), Darbhanga.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition



that the petitioner have to 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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