

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11527 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- MATIHANI District- Begusarai

Dinkar Kumar aged about 28 years, Sex-Male, Son of Dhajo Rai, Resident of Vill.-Chakor, P.S.-Matihai, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP

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 Matihani P.S. Case No.-164 of 2023 registered for the offence punishable under Sections 30(a) and 37(C) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, 75 empty bottles, 431 caps of bottle, 15 liters spirit, 4 liters illegal liquor 200 grams English wine were recovered from the south of the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in this due to ulterior motive and he has no concern with the alleged recovery. Petitioner is in custody since 06.11.2023.



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

6. Considering the facts and circumstances and alleged liquor has not been recovered from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail ***after framing of the charge*** in connection with Matihani P.S. Case No.164 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 Exclusive Special Excise Judge-I, Begusarai.

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)

Brajesh Kumar/-

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