

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8724 of 2024

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

Rahul Kumar, Male, aged about 28 years, Son of Sri Mukesh Kumar,
Resident of village/Mohalla- Sherpur, P.O.-Basudeopur, P.S.-Kotwali
(Basudeopur O.P.), District-Munger-811202.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Karn, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kotwali (Basudeopur O.P.) PS Case No. 455 of 2023 instituted
for the offences punishable under Section 30(a) and 32 of the
Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 1096.560 illicit
Foreign liquor has been recovered from the truck container.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. Petitioner has not arrested at
the spot and nothing has been recovered from the conscious
possession of the petitioner. Similarly situated co-accused
persons namely, Vikky Kumar @ Vikki Kumar and Sourav
Kumar have been granted bail vide Cr. Misc. Nos. 1301 of 2024



and Cr. Misc. No. 80074 of 2023 dated 25.01.2024 and 13.12.2023 respectively. Petitioner is in custody since 07.01.2024.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Munger in connection with Kotwali (Basudeopur O.P.) PS 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 (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 petitioner 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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