

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11543 of 2024

Arising Out of PS. Case No.-354 Year-2023 Thana- ADAPUR District- East Champaran

Krishna Patel, aged about 50 years (M), Son Of Late Kedar Patel, Resident
Of Village- Murtiya, PS- Adapur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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
Adapur P.S. Case No.-354 of 2023 registered for the offence
punishable under Sections 30(a), 32 and (41(i) of the Bihar Pro-
hibition and Excise Act.

3. As per allegation in the FIR, total 327
liters of Nepali Kasturi was recovered from the ten bags.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been impli-
cated in this and the name of the petitioner surfaced on the ba-
sis of confessional statement of co-accused. He further submits
that he has no concern with the alleged recovery of liquor. On
perusal of the seizure list there was no independent witness. Pe-
titioner has got clean antecedent as stated in para-3 of the peti-
tion and petitioner is in custody since 29.12.2023.



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 recovery 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 Adapur P.S. Case No.354 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, Excise Court No.2, Motihari, East Champaran.

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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