

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9995 of 2024

Arising Out of PS. Case No.-609 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Raja Kumar Son of Vijay Kumar Mahto Resident of Vill.-Pusha, P.S.-Bathan,
Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Ranjan, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Kuchaikote P.S Case No. 609 of 2023 registered
for the offences punishable under Section 30 (a) of the
Bihar Prohibition and Excise Amendment Act 2022.

3. As per allegation in the FIR, total 146.880
litre illicit liquor was recovered from a car.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case.
He further submits that petitioner is not owner of the car
and the same is booked by the owner and petitioner has



no knowledge about the liquor. Nothing has been recovered from the conscious possession of the petitioner. On perusal of the seizure list no independent witness. It is also submitted that petitioner is in judicial custody since 13.12.2023. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-IV- cum- Exclusive Spl. Excise Court-II, Gopalganj in connection with Kuchaikote P.S Case No. 609 of 2023.

7. The trial court is directed to conclude the



proceeding of framing of charge according to law within a period of 15 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 released on bail on the above conditions and he 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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