

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13372 of 2024

Arising Out of PS. Case No.-387 Year-2021 Thana- NAWADA District- Nawada

Utpal Kant @ Bablu Kumar Son of Sukan Prasad @ Sukan Yadav Resident of
Vill.- Gondapur, P.S.- Nawada, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Parmanand Prasad

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

ORAL ORDER

2 29-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Nawada Town P.S. Case No.387 of 2021 registered for the
offence under Section 33, 34 and 36 of the Bihar Prohibition
and Excise Act.

3. As per FIR, there is recovery of six empty
sachets of 200 ml of illicit liquor from a vacant land situated
adjacent to the house of one Ramswaroop Yadav.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that petitioner is
not named in the FIR, where, his name surfaced on the basis of



confessional statement of Arvind Yadav. It is submitted that nothing incriminating articles recovered from the conscious physical possession of the petitioner, which may connect this petitioner with the present set of occurrence. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.72316 of 2023 on 31.11.2023. It is further submitted that petitioner is in custody since 15.06.2021.

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 Nawada Town P.S. Case No.387 of 2021 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 1st, Nawada.

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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