

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12242 of 2024

Arising Out of PS. Case No.-284 Year-2023 Thana- BENIPATTI District- Madhubani

=====

Kailash Kumar @ Kailash Kumar Sharma S/O Gulab Sharma Resident Of
Village- Jhanjharpur, Behat, Piparghat, P.S.- Jhanjharpur, District-
Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

=====

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

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with G.R. No. 1816 of 2023 arising out of Benipatti P.S
Case No. 284 of 2023 registered for the offences
punishable under Sections 272, 273 of the I.P.C and
Section 30(a) of the Bihar Prohibition and Excise Act
(Amendment) 2018.

3. As per prosecution case, total 70.500 litre
illicit liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits



that petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. No Criminal antecedent as stated in para 3 of the petition. It is also submitted that petitioner is in judicial custody since 17.12.2023.

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 Court of Addl. Session Judge II cum Special Judge, Excise Act Madhubani in connection with G.R. No. 1816 of 2023 arising out of Benipatti P.S Case No. 284 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)

Mayank/-

U		T	
---	--	---	--

