

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11124 of 2024

Arising Out of PS. Case No.-661 Year-2023 Thana- BRAHMPUR District- Buxar

Rasbihari Yadav son of Late Balmuni Yadav @ Late Lalmuni Yadav Village-
Arawar Ps- Dubehar Dist- Baliya UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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

ORAL ORDER

2 22-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Brahampur P.S. Case No. 661 of 2023, registered for the offence under Section 414 of I.P.C. and Section 30(a)/41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per FIR, there is recovery of 777.600 litres of english wine from the white colour pick-up van. Petitioner is arrested on the spot.

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 recovery of alleged illicit liquor was not made from physical possession of



the petitioner rather the same was recovered from the pick-up van. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner has a criminal antecedent and he is in custody since 05.11.2023.

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 Brahampur P.S. Case No. 661 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 Court Excise-2, Buxar.

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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