

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13969 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

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Rishu Raj S/o Mukesh Kumar R/o vill - Gobar Sahi Chauck Muzaffarpur, P.S.
- Muzaffarpur Sadar, Distt. - Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv.

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Kochaikot P.S Case No. 636 of 2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition Excise
Act, 2018.

3. As per prosecution case, total 241.92 litres of illicit
liquor was recovered from a Swift Dezire Car bearing
Registration No. BROCN 8438.

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. Leaned counsel for
the petitioner next submits that petitioner is arrested on the spot
and he is said to be the driver of the said car only and he had no
knowledge about the illicit liquor kept in the car. It is also
submitted that petitioner is in judicial custody since 28.12.2023.

5. However, learned APP for the State opposed 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 Additional Sessions Judge-cum Exclusive Special Judge, Excise-Court-II, Gopalganj in connection with Kochaikot P.S Case No. 636 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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