

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13968 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- GOPALPUR District- Gopalganj

Rajan Kumar Singh @ Rajan Kumar son of Shivshankar Singh Village-
Noniyapatti Ahiraulidan Ps- Tareya Sujan Dist- Kushinagar U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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
Gopalpur P.S Case No. 298 of 2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Amendment Act, 2022.

3. As per prosecution case, total quantity of 765
litres of illicit country made liquor was recovered from a tractor
having no registration number and the said tractor was loaded
with 7-8 quintals of sugarcane.

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. Learned counsel for the petitioner next submits that petitioner is arrested on the spot and he is said to be the driver of the said tractor only and he had no knowledge and concern about the illicit liquor kept in the tractor. It is also submitted that petitioner is in judicial custody since 12.12.2023.

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-IV-cum Special Judge, Excise-Court-II, Gopalganj in connection with Gopalpur P.S Case No. 298 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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