

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18488 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- Excise P.S. District- Madhubani

Deepak Kumar Yadav, Male, aged about 19 years, Son of Laxmeshwar Yadav,
Resident of Village - Umgown, Police Station - Harlakhi, District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with G.O.
No. 4114 of 2023 arising out of Excise P.S. Case No.151 of
2023 instituted for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 33 liters of illicit
liquor has been recovered from a bag loaded on the motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case on the basis of local party
politics. It is further submitted that nothing incriminating has
been recovered from the conscious possession of the petitioner



and the petitioner never deals with the wine. Petitioner is in custody since 31.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II-cum- Special Judge Excise Act, Madhubani dated 23.01.2024, it appears that no any independent witness of the seizure list. Petitioner was neither the owner of the motorcycle nor the liquor belongs to him and he has no knowledge about the seized liquor, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge- IInd-cum-Special Judge, Excise Act, Madhubani in connection with G.O. No. 4114 of 2023, arising out of Excise P.S. Case No.151 of 2023.

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 petitioner shall be released on bail on 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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