

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14253 of 2024**

Arising Out of PS. Case No.-9 Year-2024 Thana- JAMALPUR District- Darbhanga

Anjan Kumar Nirala, aged about 18 years, Male, Son of Raja Ram Yadav,  
Resident of Village- Tarwara, P.S.- Jamalpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Kanchan Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

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

ORAL ORDER

2      29-02-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Jamalpur PS Case No. 09 of 2024 instituted for the offences  
punishable under Sections 30 (a) of the Bihar Prohibition and  
Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 13.845 liters of  
foreign liquor has been recovered from the Orchard.

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. It is further submitted that  
recovery of the alleged foreign liquor was not made from the  
conscious physical possession of the petitioner and petitioner is



arrested on the spot on the basis of suspicion. No any independent witness in the seizure list has been made.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Judge-II, Excise Act) Darbhanga dated 29.01.2024, it appears that there is no recovery from the conscious possession of the petitioner and he has been falsely implicated in this case. There is no independent witness in the seizure list. Similarly situated co-accused persons namely, Deepak Kumar Yadav has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.13234 of 2024 dated 27.02.2024. Petitioner is in custody since 21.01.2024, 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 Exclusive Special Judge-II (Excise Act), Darbhanga in connection with Jamalpur PS Case No. 09 of 2024.

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)**

Anand Kr.

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