

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12906 of 2024**

Arising Out of PS. Case No.-806 Year-2023 Thana- GARDANIBAG District- Patna

ASHUTOSH KUMAR S/O LATE BHOLENATH PATHAK R/O VILLAGE-
PURANI JAKANPUR, HOUSE NO. JKSE-39, P.S- JAKANPUR, DISTT.-
PATNA, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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

ORAL ORDER

2 27-02-2024 Heard learned counsel appearing on behalf of the

parties.

2. The petitioner seeks bail in connection with
Gardanibag P.S. Case No. 806 of 2023, registered for the
offence under Sections 30(a), 32(2), 32(3), 36, 41(2)(1) of the
Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 258.5 litres of
foreign liquor from the Brezza Car bearing Registration No. UP-
32JJ-4548.

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 a car. It is further submitted that the petitioner is neither owner nor driver fo the car, 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 one criminal antecedent as stated in para 3 of the bail petition and he is in custody since 05.12.2023.

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 Gardanibag P.S. Case No. 806 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 Judge,Excist Ist, Patna.

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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