

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13820 of 2024

Arising Out of PS. Case No.-1156 Year-2023 Thana- AGAMKUAN District- Patna

Nitish Kumar S/o Gopi Rai R/o Village- Jafrabad Dih, P.S.- Raghapur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**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 Agamkuan P.S Case No. 1156 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, altogether 240 litres of illicit wine was recovered from a Tempo having registration number BRO1PA-3037.

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 and the petitioner is



neither the owner nor the driver of the said tempo. The petitioner has got no criminal antecedent as stated in para-3 of the present petition and he is stated to be in custody since 01.12.2023.

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 Special Judge, Excise-, Patnacity in connection with Agamkuan P.S Case No. 1156 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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