

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13529 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Dinesh Kumar @ Dinesh Yadav @ Nirahuwa Son of Jawahar Yadav @
Jawaharlal Yadav Resident of Village- Hembardaha, Police Station-
Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Vinod Shanker Modi, 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 Vishambharpur P.S Case No. 177 of 2023 registered for the offences punishable under Section 414 of the IPC and Sections 30(a)/41 of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, total 208.200 litres of illicit country made liquor was recovered from a motorcycle bearing Registration No. BR28D 0352 as well as from a Bolero vehicle having Registration No. BRO6PB 0844.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and no



incriminating article has been recovered from his conscious possession. Petitioner is neither the owner of the motorcycle nor the owner of the Bolero vehicle wherefrom the seizure of illicit liquor has been made. Learned counsel for the petitioner next submits that the procedure of Section 100 of the CrPC has not been followed. The petitioner is in custody since 15.12.2023.

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 Vishambharpur P.S Case No. 177 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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