

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13814 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- KAMTAUL District- Darbhanga

Md. Javir Son of Md. Subhan R/o Village- Bajpatti, P.S.- Bajpatti, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Gandhi, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, 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
Kamtaul P.S Case No. 42 of 2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, altogether 891 litres of
Nepali country made liquor was recovered from a Scorpio
vehicle bearing registration no. BR-06P-2715.

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 he has not been
arrested on the spot. The petitioner is not named in the FIR.



Learned counsel for the petitioner next submits that the perusal of the seizure list reveals that there is no independent witnesses to the said seizure. The petitioner has got clean antecedent as stated in para-3 of the present petition and he is in custody since 17.01.2024.

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 First, Excise Act, Darbhanga in connection with Kamtaul P.S Case No. 42 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)

perwez

U		T	
---	--	---	--

