

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16275 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- BAHADURPUR District- Darbhanga

Kinshu Jha @ Ahish Jha, aged about 34 years, Male son of Narayan Jha,
Resident of village- Kavilpur P.S.- Bahadurpur District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amritya Raj, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bahadurpur P.S. Case No. 466 of 2023 instituted for the offences punishable under Sections 30(a), 32(1), 32(2), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, it is a case of recovery of total 1105.92 liters of illicit liquor from a truck.

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. He further submits that nothing has been recovered from the conscious possession of the petitioner. There is no any independent witness of the



seizure list. Petitioner is in custody since 15.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Judge-1st (Excise Act), Darbhanga dated 18.12.2023, it appears that there is no any independent witness of the seizure list. Similarly situated co-accused person namely Pankaj Kumar Singh has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 24900 of 2024 vide order dated 03.04.2024, 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 Special Judge-1st, Excise, Darbhanga in connection with Bahadurpur P.S. Case No. 466 of 2023.

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)

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