

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15460 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- FULKAHA District- Araria

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Dheeraj Kumar Son of Lalan Yadav R/o Village- Khaira, Ward No.4, P.S.-
Narpatganj, District- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Ravish, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Fulkaha
P.S. Case No. 195 of 2023 instituted for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per the prosecution case, total 54 liters of
Nepalese liquor has been recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He has no concern with the
alleged recovery of liquor. He has not involved in the trade of
liquor. Both the seizure list witnesses are not independent
witnesses which is the violation of Section 100 of Cr.P.C.



Petitioner has got no criminal antecedent and he is languishing in judicial custody since 20.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioner, this Court is inclined to enlarge the petitioner on bail, 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 Exclusive Special Excise Court-2, Araria in connection with Fulkaha P.S. Case No. 195 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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