

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19658 of 2024

Arising Out of PS. Case No.-605 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Vikash Kumar Son of Late Surendra Baitha @ Late Surendra Resident of
Village- Ahirauli, P.S.- Tariyasujan, Dist.- Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr.Harendra Prasad

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

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Kuchaikote P.S Case No. 605 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, total 237.600 litre illicit liquor was recovered from the bag.

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. On perusal of seizure list there is no independent witness. It is next submitted that in similar condition one of the co-accused has been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 15735 of 2024. Petitioner has got no criminal antecedent as stated in para 3 of the bail petition. It is also submitted that petitioner is in judicial custody since 12.12.2023.

5. However, learned APP for the State oppose 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 Addl. Sessions Judge IV-, Gopalganj in connection with Kuchaikote P.S Case No. 605 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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