

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15442 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Dinesh Yadav Son of Late Ram Parsan Yadav Resident of Village- Baliwan
Raymal, P.S.- Bishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Sharda Kumari, APP

**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 Vishambharpur P.S. Case No. 255 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 19 liters country made 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 only on the basis of suspicion and due to his previous two criminal antecedents. He



has no concern with the alleged recovery. According to seizure list, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery of liquor has been made from the bush on the road side in front of the house of the petitioner which is an open place. Petitioner is languishing in judicial custody since 15.12.2023.

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 Court of Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Vishambharpur P.S. Case No.255 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)

lata/-

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

