

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18525 of 2024**

Arising Out of PS. Case No.-423 Year-2023 Thana- KALYANPUR District- East Champaran

Dadan Kumar Yadav @ Dadan Yadav, aged about 30 years, Male Son of Late Rajdeo Yadav @ Late Rajdev Yadav Resident of Village- Bhopatpur, P.S.- Kotwa (Bhopatpur O.P.), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

2      13-03-2024                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur PS Case No. 423 of 2023 instituted for the offences punishable under Sections 30(a), 32(2) 32(3), 36, 41(1) and 41(2) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1379.7 liters of foreign liquor has been recovered from the truck bearing Registration No. JH-10-AL-0808.

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 on the basis of his enemies. He further submits that the petitioner was not arrested at the



spot and nothing has been recovered from the conscious possession of the petitioner. The liquor has been recovered from a truck and petitioner is not the owner of the said truck. Petitioner is in custody since 09.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Court No. III, East Champaran, Motihari dated 07.02.2024, it appears that petitioner has been made accused on the basis of confessional statement of co-accused Lalbabu Paswan and Sonu Kumar Driver and Khalasi of the said truck and nothing has been recovered from the conscious possession of the petitioner, 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 Exclusive Special Excise Court No. 3, Motihari, East Champaran in connection with Kalyanpur PS Case No. 423 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)**

Anand Kr.

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

