

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17476 of 2024

Arising Out of PS. Case No.-1926 Year-2023 Thana- Excise P.S. District- Patna

Radheshyam Kumar Son Of Devendra Singh Resident Of Village -
Rukanpura, Police Station - Salimpur, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Patna
Prohibition (Excise) Case No. 1926 of 2023 instituted for the
offences punishable under Sections 30(a) and 56(b) of Bihar
Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, total 502.90 liters of
illicit liquor has been recovered from a Mahindra Bolero Pick-
up vehicle bearing registration no. BR-01-CG-3486 and
petitioner was apprehended on the spot who is said to be driver
of vehicle.

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 recovered liquor or with the vehicle in question. Nothing incriminating article has been recovered from his conscious possession. As submitted by learned counsel for the petitioner that petitioner is neither the driver nor khalashi of the said vehicle, he is only the passenger. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 26.12.2023.

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

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Excise-III, Patna in connection with Patna Prohibition (Excise) Case No. 1926 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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