

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20192 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- JALE District- Darbhanga

Rakesh Kumar @ Shailendra Kumar Son of Dilip Kumar Mahto @ Mithlesh Kumar Resident of vill.-Tataila (Kumharoli), Ward No.3, P.S.-Kamtaul, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratneshwar Prasad, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Let the defect(s) as pointed out by the Stamp Reporter be removed.

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in a case registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, it is a case of recovery of Nepali liquor from a motorcycle.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that petitioner is neither driver nor owner of the seized motorcycle.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the first information report,



seizure list and impugned order dated 02.02.2024, it appears that total 90 liters of Nepali liquor was recovered from the possession of the petitioner but no independent witness of seizure list and he is in custody since 19.12.2023, so I am inclined to grant bail to the petitioner. Accordingly, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Jale P.S. Case No.157 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, Excise Act, Darbhanga.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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