

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18429 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- PHULWARIYA District- Gopalganj

Abhishek Kumar Yadav, aged about 24 years, Male Son of Kashinath Yadav,
Resident of Village- Rampur Khurd, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, 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
Phulwariya PS Case No. 25 of 2024 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 100.410 liters of
foreign liquor has been recovered from the Maruti Suzki Zen
Car bearing Registration No. BR-1AJ-3318.

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. Nothing has been recovered



from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition. Petitioner is in custody since 20.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj dated 31.01.2024, it appears that there is no any independent witness of the seizure list and recovery is not 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 Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj, in connection with Phulwariya PS Case No. 25 of 2024.

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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