

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18546 of 2024

Arising Out of PS. Case No.-231 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Pradip Kumar Yadav, aged about 19 years, Male Son of Ghosh Yadav,
Resident of Village- Gamharia, P.S.- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, 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 Vishambharpur PS Case No. 231 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, 270 pieces of 200ml. i.e., 54.00 liters of country made liquor has been recovered from a gunny bag which was tied on the motorcycle bearing Registration No. BR-29AM8613.

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. It has further been submitted that nothing has been recovered from the conscious



possession of the petitioner and the seized motorcycle does not belong to the petitioner. Petitioner is in custody since 25.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj dated 20.12.2023, it appears that petitioner is named in the FIR and the said recovery was not from the conscious possession of the petitioner and the motorcycle does not belong to him, 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 District and Sessions Judge-IV-cum-Special Judge, Excise-II, Gopalganj in connection with Vishambharpur PS Case No. 231 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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