

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21565 of 2024

Arising Out of PS. Case No.-1005 Year-2023 Thana- RUPASPUR District- Patna

Laxman Yogi S/O- Jagdish Yogi @ Jagdish Prasad Yogi R/O- Village-
Shyamgarh, P.O.- Maroth, Tehsil, Nawa, Dist.- Nagaur, Rajasthan- 341507

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Karn

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Rupaspur PS Case No.1005 of 2023 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 1287.36

liters of illicit foreign made liquor has been recovered

from a pick-up Van.

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.



Neither any incriminating articles has been recovered from the conscious possession of the petitioner nor the vehicle belongs to him. It is next submitted that co-accused has already granted bail in Cr. Misc. No. 18409 of 2024 order dated 13.03.2024. Petitioner and is in custody since 21.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Excise Judge, Danapur dated 31.01.2024, it appears that there is no any independent witness of the seizure list. Petitioner is neither the owner of the seized vehicle nor any incriminating articles has been recovered from his conscious possession, 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 Special Excise Judge Danapur in connection with Rupaspur P.S. Case No.



1005 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)

Mayank/-

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