

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18409 of 2024

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

Prakash Kumar Jat, Male aged about 23 years, Son of Kishan Lal Jat,
Resident of Village- Lohariya, P.O.- Kunthana, Tehsil- Bhadeshwar, District-
Chittorgarh, Rajasthan- 312024.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Karn, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, 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
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. Petitioner has got no criminal antecedent as stated in para-3 of the 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)

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