

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21188 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- ANTI District- Gaya

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Kamlesh Yadav @ Pintu Kumar @ Kamlesh Kumar Son Of Bindeshwar
Yadav Resident Of Village - Nanhu Bigha, P.S. - Bandya, District -
Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Satya Nand Shukla

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Aati P.S Case No. 04 of 2024 registered for the
offences punishable under Sections 30(a) of Bihar
Prohibition and Excise Amendment Act 2022 and under
Section 272, 273/34 of the I.P.C.

3. As per prosecution case, total 50 litre illicit
liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case. It



is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. Petitioner has got no criminal antecedent as stated in para 3 of the bail petition. It is also submitted that petitioner is in judicial custody since 10.01.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya in connection with Aati P.S Case No. 04 of 2024.

7. The trial court is directed to conclude the



proceeding of framing of charge according to law within a period of 15 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 the 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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