

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18508 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Kishan Yadav @ Kisaan Yadav, Male aged about 40 years, Son of Late Ramchandra Yadav, Resident of Village- Shital Vardaha, P.S- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, 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 Kuchaikote PS Case No. 533 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 23.040 liters of foreign liquor has been recovered from the gunny bag.

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 on the basis of suspicion. He further submits that nothing incriminating articles have been



recovered from the possession of the petitioner. The name of the petitioner has transpired on the basis of secret information and also on the basis of disclosure made by the local village and local chowkidar. Petitioner is in custody since 22.01.2024.

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 02.02.2024, it appears that no any independent witness of the seizure list and he has been made accused only on the basis of suspicion, 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-IV-cum-Exclusive Special Judge, Excise Court No. II, Gopalganj in connection with Kuchaikote PS Case No. 533 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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