

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19130 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- Excise P.S. District- Gaya

Kapil Kumar Son of Baleshwar Yadav Resident of Village-Kewala Ramchak,
P.S.-Mohanpur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Anant Kumar 1

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

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Excise P.S Case No. 168 of 2024 registered for the
offences punishable under Sections 30(a) & 32(3) of
Bihar Prohibition and Excise Amendment Act 2016.

3. As per prosecution case, total 84.375 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. It is also submitted that petitioner is in judicial custody since 04.02.2024

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 Excise Court No. 03, Gaya in connection with Excise P.S Case No. 168 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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