

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23567 of 2024

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHAURAH District- Saran

Vikash Kumar S/O- Tuntun Prasad @ Tuntun Raut R/O- Village-
Shahnewazpur, P.S.- Tariya, Dist.- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Asha Kumari

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

ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Marhowrah P.S Case No. 738 of 2022 registered
for the offences punishable under Sections 30(a), 41(i)
of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 40 litre illicit
liquor was recovered from 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. It is also submitted that petitioner is in judicial custody since 25.01.2024.

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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Marhowrah P.S Case No. 738 of 2022.

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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