

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20183 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- Excise P.S. District- Nawada

Devkant Kumar @ Deva, Male, aged about 26 years, S/o Manikant Prasad
Resident of Village - Pasraila, PS- Rajauli, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 15-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Excise P.S. Case No.90 of 2024 registered for the offence under
Sections 30(a), 45, 56(2) of the Bihar Prohibition and Excise
Act.

3. As per FIR, there is recovery of total 69.125
litre of illicit liquor from the possession of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner. It is submitted that the recovery was made from joint possession of three accused persons and not specifically stated regarding recovery in seizure list. It is further submitted that petitioner is in custody since 07.02.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Excise P.S. Case No.90 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Nawada.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to 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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