

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20377 of 2024

Arising Out of PS. Case No.-427 Year-2021 Thana- Excise P.S. District- Muzaffarpur

Bedprakash Kumar @ Chunchun Kumar @ Vedprakash Kumar, Aged about 31 years, Male, S/O Jay Kishor Ray, Resident of Village-Baliya Indrajeet, P.S.-Bochahan, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 427 of 2021 instituted for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act (Amended).

3. As per the prosecution case, total 267.84 liters of illicit foreign liquor has been recovered from the hut of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty local politics. He has no concern with the alleged recovery. Neither the petitioner



was arrested on the spot nor any incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner has himself surrendered in the court below on 06.01.2024 and since then he is languishing in judicial custody.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Special Judge (Excise), Court No. II, Muzaffarpur in connection with Excise P.S. Case No.427 of 2021.

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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