

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23975 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- Excise P.S. District- Buxar

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Kush Kumar @ Kush Singh son of Lallu Singh @ Lalu Singh Village- Purana
Bhojpur W.No-13, Ps- Dumraon Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

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

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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 seeks regular bail in connection with

Excise P.S. Dumraon Case No. 22 of 2024 registered for the

offence under Section 30(a) of the Bihar Prohibition and Excise

Act.

3. As per allegation in the FIR, it is a case of recovery

of total 62.280 liters of illicit liquor from a Santro car bearing

registration No. BR01BU8288.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the



present case. Nothing has been recovered from the possession of the petitioner. He further submits that the petitioner has no criminal antecedent as stated in para 3 of the application and petitioner is in custody since 17.02.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of FIR and impugned order dated 29.02.2024 passed by learned Special Judge, Excise Court No. 2, Buxar and seizure list, it appears that there is no independent witness of the seizure list. Considering the aforesaid facts and circumstances of the case, let the petitioner, abovenamed, 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 learned Special Judge, Excise Court No. II, Buxar in connection with Excise P.S. Dumraon Case No.22 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 proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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