

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24774 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Awadhesh Kumar @ Awdhesh @ Awdhesh Yadav @ Awdesh Kumar Son of
Late Premlal Yadav Resident of Village- Surha, P.S.- Hasanpur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Shailendra Kumar

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

ORAL ORDER

2 28-03-2024 Heard learned counsel appearing on
behalf of the parties.

2. The petitioner seeks bail in connection
with Khodawandpur P.S. Case No.21 of 2024 registered for
the offence under Sections 467, 468, 120(B)/34 of the
Indian Penal Code and Section 30(a), 32(i)(ii), 41(1) of the
Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total
1516.320 litre of illicit liquor from a truck bearing
registration no. UP15GT2132.

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 rather the same was recovered from a truck. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is next submitted that one of the co-accused has already granted bail by the Co-ordinate Bench of this Court vider order dated 15.03.2024 passed in Cr. Misc. No. 20188 of 2024 It is further submitted that petitioner is a man of clean antecedent and he is in custody since 12.02.2024.

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 Khodawandpur (Chhaurahi OP) P.S. Case No. 21 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 Judge-1,



Begusarai.

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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