

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27686 of 2024**

Arising Out of PS. Case No.-97 Year-2024 Thana- Excise P.S. District- Nawada

Kudus Khan @ Md. Qudus Khan @ Quddus Khan Son Of Habib Khan @  
Md. Habib Khan Resident Of Village - Rasalpura, P.S. - Sitamarhi, District -  
Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md Irshad, Advocate  
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

ORAL ORDER

2      15-04-2024                      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.97 of 2024 instituted for the offences punishable  
under Section 30(a) of Bihar Prohibition and Excise  
Amendment Act.

3. As per the prosecution case, total 16.500 liters of  
illicit foreign liquor has been recovered from the possession 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. He has no concern with the  
alleged recovery. No incriminating article has been recovered



from his conscious possession. There is no independent witness of the seizure list. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other two co-accused persons have already been granted bail by this Court vide order dated 04.04.2024 and 09.04.2024 passed in Cr. Misc. No. 25610 of 2024 and 26706 of 2024 respectively. Moreover, he is languishing in judicial custody since 11.02.2024.

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 Court of Excise-II, Nawada in connection with Excise P.S. Case No. 97 of 2024.

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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