

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25116 of 2024**

Arising Out of PS. Case No.-30 Year-2024 Thana- KHAGAUL District- Patna

Vikash Kumar, Male aged about 23 years, Son of Dinesh Kumar, Resident of
Village- Kanhauli Ward No. 2, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

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

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

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khagaul P.S. Case No. 30 of 2024 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, total 400 liters of illicit
country made liquor has been recovered from a tempo.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case only on the basis of
suspicion. He further submits that neither the tempo belongs to



the petitioner nor he is the owner of the seized liquor. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 09.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, search cum seizure list and the impugned order of the learned Special Excise Judge, Danapur dated 05.03.2024, it appears that total 400 liters of illicit country made liquor has been recovered from a tempo and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 Excise Judge, Danapur, Patna in connection with Khagaul P.S. Case No. 30 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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