

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27638 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- CHAPRA TOWN District- Saran

Kundan Kumar, Aged about 29 years (Male), Son of Lakshman Prasad
Resident of Village- Kazi Bazar, Police Station- Maharajganj, Dist.- Siwan, At
present- Sahebganj, Sonarpati Road, Tenant of Ram Narayan Prasad Jaiswal,
Police Station- Town, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar Singh, 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 Town
P.S. Case No. 90 of 2024 instituted for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per the prosecution case, petitioner was
apprehend on the spot and from a vehicle Mahindra Magic
bearing registration No. BR 04M-3443, total 420 liters of illicit
liquor was recovered.

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 recovered liquor and vehicle. Petitioner is driver of the said vehicle and he had no knowledge about the goods which was kept in the vehicle. Nothing 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. He is languishing in judicial custody since 18.02.2024.

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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Town P.S. Case No. 90 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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