

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25672 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- Excise P.S. District- Jamui

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Deepak Kumar son of Garib Ram Village- Bihat Ps- Barauni Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Excise Jam (Jamui) P.S. Case No. 235 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 along with
co-accused apprehended on the spot and from a Pickup Van
bearing registration no. BR01GD-5127, total 296.280 liters of
illicit foreign liquor was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Being
driver of the seized vehicle he has falsely been implicated in



this case. He has no concern with the alleged recovered liquor and 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. Petitioner is languishing in judicial custody since 06.03.2024.

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 Exclusive Special Excise Judge-II, Jamui in connection with Excise Jam (Jamui) P.S. Case No. 235 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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