

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28465 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Lav Kush Kumar, Male, Aged about 20 years, Son of Shatrudhan Singh,
Resident of village- Bhagwatipur, P.S.- Udawantnagar, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

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

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

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Udawantnagar P.S. Case No.83 of 2024 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Amendment Act and Section 414 of I.P.C.

3. As per the prosecution case, petitioner was
apprehended on the spot with a motorcycle while another co-
accused managed to escape and from the said motorcycle
bearing registration no. BR03AB1618, total 56 liters of country
made mahua wine 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 by the police due to his previous criminal record. He has no concern with the alleged recovered liquor and motorcycle. 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 04.03.2024.

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 Judge, Excise Court-II, Bhojpur at Ara in connection with Udawantnagar P.S. Case No. 83 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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