

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28479 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- Excise P.S. District- Rohtas

Prakash Kumar, Aged about 24 years (Male), Son Of Ram Pravesh Chaudhary, Resident Of Village - Dehri-On-Son, Ward No.14, P.S. - Dehri, District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, 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 Excise P.S. Case No. 151 of 2024 instituted for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, petitioner was apprehended on the spot and from a Hundai Car bearing registration No. JH01AC2475, total 142.200 liters of illicit foreign 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. 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. Petitioner is languishing in judicial custody since 22.02.2024.

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 2nd Exclusive Special Judge (Excise), Kaimur at Bhabua in connection with Excise P.S. Case No. 151 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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