

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28651 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Amit Kumar, Aged about 24 years (F.I.R. aged about 19 years), Gender-Male,
S/O Arvind Kumar, R/O Village- Mahuji, P.S- Dhina, Distt.- Chadauli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP.100)

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 Mohania P.S. Case No. 117 of 2024 instituted for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, petitioner along with two other accused persons was apprehended on the spot with a Pick-up Van and from the said Pick-up van bearing registration No. UP65MT4505, total 788.40 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 or with the vehicle in question. He is only driver of the said 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 01.03.2024.

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 Special Judge Excise No.1, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 117 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)

lata/-

U		T	
---	--	---	--

