

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31487 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- Excise P.S. District- Supaul

=====

Dilkhush Kumar, Aged about 20 years, Son Of Shri Umesh Mehta, Resident
Of Bhelwa, Ward No.03, P.S. - Gamhariya, District - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

=====

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

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Triveniganj
P.S. Case No. 17/2024 instituted for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act (Amended).

3. As per the prosecution case, total 152.50 liters of illicit
liquor has been recovered from a Maruti Suzuki Swift car bearing
Registration No. BR-24M-7415 in which petitioner was found
sitting.

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
recovery. He is neither the owner nor driver of the said car. No
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 23.02.2024.

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 Exclusive Special Judge, Excise Court No. 2, Supaul in connection with Triveniganj P.S. Case No. 17 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	
---	--	---	--

