

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31486 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- BARHARA KOTHI District- Purnia

Rajesh Yadav @ Rajesh Kumar Yadav @ Rajesh Kumar, Aged about 43 years, Male, Son Of Late Thakur Prasad Yadav, Resident Of Village - Shishwa, Ward No.- 3, P.S. - Barhara (Raghuvansh Nagar), District - Purnea

... .. Petitioner/s

Versus

The state of bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, 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 Barhara (R.Nagar O.P.) P.S. Case No. 390/2023 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act,2016.

3. As per the prosecution case, total 140.280 liters of India made foreign liquor has been recovered from the under-construction house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. He has no concern with the alleged recovery. Neither the petitioner was arrested on the spot nor any 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 19.03.2024.

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-02) Purnea in connection with Barhara (R.Nagar O.P.) P.S. Case No. 390/2023.

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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