

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31455 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Niranjan Kumar, Aged about 32 years (M), S/o- Vinay Singh @ Vinay Kumar
Singh, Resident of Village- Gawandri, P.S.- Kundwachainpur, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

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**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

Muffasil P.S. Case No. 117 of 2024 instituted for the offences

punishable under Sections 30(a), 32 and 41(i) of Bihar

Prohibition and Excise Act.

3. As per the prosecution case, petitioner was

apprehended on the spot with a Hyundai Car and from the

said car bearing registration no. BR06S2738, total 25.920

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 due to suspicion. He has no concern with the alleged recovered liquor and car. 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 07.03.2024.

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 Excise Court No.1, East Champaran, Motihari in connection with Muffasil 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)

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