

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31390 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- SIRDALA District- Nawada

Rahul Rajvanshi @ Rahul Kumar, Aged about 23 years, Male, Son of Arun Rajvanshi @ Arun Kumar, Resident of Village- Budhoul, P.S.- Nagar, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sirdalla P.S. Case No. 45 of 2024 instituted for the offences punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 195 liters of illicit liquor has been recovered from a motorcycle bearing registration no. BR01CB-4823 and petitioner along with one co-accused was apprehended on the spot.

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 motorcycle. No 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. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similary situated co-accused has already been granted bail by this Court vide order dated 27.03.2024 passed in Cr. Misc. No. 23910 of 2024. Moreover, he is languishing in judicial custody since 07.02.2024.

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 Excise Court-I, Nawada in connection with Sirdalla P.S. Case No.45 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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