

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31633 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- Kadirganj P.S. District- Nawada

Sudhir Yadav @ Sudhir Kumar, Aged about 24 years, Son of Kailu Yadav @ Saryug Yadav, Resident of Village- Loharpura, P.S- Kadirganj ,Dist- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad 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 Kadirganj P.S. Case No. 48 of 2024 instituted for the offences punishable under Section 30(a)(d) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 50 liters of Mahua liquor, a gas cylinder along with Gas stove has been recovered from a hut.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case only on the basis of suspicion. He has no concern with the alleged recovery. 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. Petitioner is languishing in judicial custody since 24.03.2024.

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-I, Nawada in connection with Kadirganj P.S. Case No. 48 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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