

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33648 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

Vipin Rai, aged about 25 years, Male, Son of Vinod Rai, Resident of Village-
Hetimpur, Bangraha, P.S.-Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Vidyapatinagar P.S. Case No. 195 of 2023 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per the prosecution case, total 1134 liters of
illicit liquor has been recovered from the husk house of Nand
Kumar Singh.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics.
He further submits that the petitioner was neither arrested at the



spot nor found near the place of occurrence and his name came in this case only on the basis of suspicion. Nothing incriminating articles has been recovered from the conscious possession of the petitioner. Both seizure list witnesses are the official witnesses and not the independent witnesses. He further submits that the petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 27.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Judge Excise-1, Samastipur dated 03.04.2024, it appears that there there is no any independent witness of the seizure list. Similarly situated co-accused persons namely Nand Kumar Singh and Prashant Kumar have been granted bail by a coordinate Bench of this Court in Cr. Misc. Nos. 24058 of 2024 and 29127 of 2024 vide orders dated 27.03.2024 and 19.04.2024, respectively, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 Special Judge Excise-1, Samastipur in connection with Vidyapatnagar P.S. Case No. 195 of 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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