

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49677 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- HARNAUT District- Nalanda

Munni Kumar @ Munny Kumar @ Munni Yadav, Male, aged about 28 years,
Son of Bisheshwar Prasad, Resident of village- Lakshmanpur (Lachhmanpur),
P.S.- Bhaktiarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 22-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Harnaut P.S. Case No. 228 of 2024 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2022.

3. As per the prosecution case, total 12.06 liters
English wine has been recovered from the accused persons
including the petitioner.

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 only on the basis of
suspicion. He next submits that there is no any independent



witnesses of the seizure list. Petitioner has got clean antecedent as stated in para 3 of the petition and he is in custody since 28.05.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional Sessions Judge-Vth-cum-Special Judge (Excise) Biharsharif, Nalanda dated 19.06.2024, it appears that the petitioner is named in the FIR, clean antecedent as stated in para 3 of the petition and there is no any independent witness of the seizure list, 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 Additional District and Sessions Judge-Vth-cum- Special Judge Excise, Biharsharif Nalanda in connection with Harnaut P.S. Case No. 228 of 2024, arising out of Excise P.S. Case No. 1177 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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