

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5728 of 2024**

Arising Out of PS. Case No.-280 Year-2023 Thana- PHULWARIYA District- Gopalganj

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Boby Ram @ Sujit Ram @ Babi Ram, Male, aged about 22 years, Son of Janak Ram, Resident of Karariya Thakurai, P.S.- Phulwariya, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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

ORAL ORDER

2      13-02-2024                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Phulwariya PS Case No. 280 of 2023 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, 36 liters of Banti Bable country made wine has been recovered.

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. From perusal of the case diary, FIR, seizure list and the bail rejection order of the learned Additional Sessions Judge-II-cum-Special Judge



Excise-I, Gopalganj dated 23.12.2023, it appears that no recovery has been made from the conscious possession of the petitioner. Similarly situated co-accused namely Dhiraj Ram has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 74146 of 2023 dated 28.11.2023. Petitioner is in custody since 21.12.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj in connection with Phulwariya PS Case No. 280 of 2023.

7. However, the trial Court is directed to conclude the proceeding of *framing of charge* according to law within a period of fifteen days from the date of receipt of this order.

**(Ramesh Chand Malviya, J)**

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