

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11920 of 2024**

Arising Out of PS. Case No.-309 Year-2023 Thana- BEGUSARAI MUFFASIL
District- Begusarai

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Ram Babu Rai @ Ram Babu Ray S/O SAMBHU RAY @ SHAMBHU RAI
VILLAGE- AAYODHYAWARI, PS. MUFFASIL (LAKHO O.P.), DIST.
BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Muffasil (Lakho) P.S. Case No. 309 of 2023 dated 25.09.2023

registered for the offence under Sections 30(a) of the Bihar

Prohibition and Excise Act.

3. As per the F.I.R. and seizure list, altogether 22.5

liters of illicit liquor has been recovered from the

Thakurwari.

4. Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that it appears



form the F.I.R. and the seizure list that nothing has been recovered from the conscious possession of the peittioner rather the alleged recovery has been made from the open place of Thakurbari sitauted in Ayodhiya bari and the petitioner has not been arrested from the spot. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list as no independent witness has come forward to support the seizure. The petitioner is rotting in judicial custody since 29.11.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

7. Let the, above named, petitioner be released on bail, ***after framing of Charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise- 1st, Begusarai in connection with Muffasil



(Lakho) P.S. Case No. 309 of 2023.

8. 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 above name petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner shall 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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