

Arising Out of PS. Case No.-500 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Anant Kumar Mishra
For the Opposite Party/s : Mr. Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Samastipur (Mufassil) P.S. Case No.500 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 172.08 litres of illicit liquor from an open place.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from an open place, which is accessible to general public. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as place of recovery. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 22.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Samastipur (Mufassil) P.S. Case No.500 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise 1st, Samastipur.

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 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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