

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12368 of 2024

Arising Out of PS. Case No.-605 Year-2023 Thana- NAANPUR District- Sitamarhi

Md Asgar Nadaf @ Asgar Nadaf Son of Safique Nadaf Resident of Village-
Dhuniya Jhitki, P.S.-Nanpur (Bokhra), Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

learned APP for the State.

2. The petitioner is in custody in connection
with Nanpur P.S Case No. 605 of 2023 registered for the
offences punishable under Sections 30(a) of Bihar
Prohibition and Excise Act.

3. As per prosecution case, total 3435.840 litre
illicit liquor was recovered from container.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case. It
is further submitted that no incriminating article has
been recovered from the conscious possession of the



petitioner. It is next submitted that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 16.02.2024 passed in Cr. Misc. No. 6731 of 2024. It is also submitted that petitioner is in judicial custody since 11.12.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Sitamarhi in connection with Nanpur P.S Case No. 605 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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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