

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13018 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- KOTWALI District- Munger

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Bittu Kumar Son of Sri Bijay Yadav Resident of village/Mohalla- Sherpur,
P.O.-Basudeopur, P.S.-Kotwali (Basudeopur O.P.), Distt.-Munger-811202
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Karn
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Kotwali (Basudeopur O.P.) P.S Case No. 455 of 2023 registered for
the offences punishable under Sections 30(a)/32 of the Bihar
Prohibition & Excise Amendment Act 2018.

3. As per allegation in the FIR, total 1096.560 illicit
liquor has been recovered from the truck container.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He further
submits that nothing has been recovered from the conscious
possession of the petitioner. Similarly, situated co-accused person
namely, Sittu Kumar has been granted bail by this Court vide order
dated 16.02.2024 passed in Cr. Misc. No. 8726 of 2024. It is also
submitted that petitioner is in judicial custody since 07.01.2024.



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 Judge, Excise – II, Munger in connection with Kotwali (Basudeopur O.P.) P.S Case No. 455 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 chargesheet 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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