

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10366 of 2024

Arising Out of PS. Case No.-659 Year-2023 Thana- SAKRA District- Muzaffarpur

Babloo Rai S/O Shatrudhan Rai @ Sattan Rai @ Santan Ray R/O Village-
Thikaha Bahadurpur Goraul, P.S- Goraul, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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

ORAL ORDER

2 21-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Sakra P.S. Case No.659 of 2023 registered for the offence under
Sections 412, 420, 467, 468/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 4.350 litre of
illicit liquor from the possession of the petitioner.

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 petitioner was
not arrest on spot and his name was surfaced from the statement
of co-accused, who was arrested on the spot. 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 the house of other co-accused person, namely, Ankit Kumar and two motorcycles. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 09.01.2024.

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 Sakra P.S. Case No.659 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 Court Excise – 1, Muzaffarpur.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to 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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