

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9449 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

1. Nand Kishor Ram @ Bullet Ram S/O- Rajeshwar Ram R/O- Village-
Marachhi, P.S.- Bhagwanpur Hat, Dist.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Singh, Advocate.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

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

ORAL ORDER

- 2 19-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection
with Bhagwanpur Hat P.S Case No. 256 of 2023
registered for the offences punishable under Sections
30(a), 32(2), 41(i)(2) of the Bihar Prohibition and
Excise Act.

3. As per allegation in the FIR, total 157.320
litres of foreign liquor was recovered from bush behind
the semi built house of the Arun Singh.

4. Learned counsel for the petitioner submits



that petitioner has falsely been implicated in this case. He further submits that no recover is made from the conscious possession of the petitioner rather recovery is made from bush which is an open place and accessible to anyone. It is next submitted that there is no independent eyewitness as per the seizure list. There is no compliance of Section 100 of Cr.P.C. It is also submitted that petitioner is in judicial custody since 03.01.2024.

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 Excise Court No.1, Siwan, in connection with Bhagwanpur Hat



P.S Case No. 256 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)

Nilmani/-

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