

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9331 of 2024

Arising Out of PS. Case No.-768 Year-2022 Thana- HISUWA District- Nawada

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Gautam Kumar @ Chhotu Kumar, aged about 19 years, Male Son of Mukesh Singh, Resident of Village - Hadasa, P.S. - Hisua, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Hisua PS Case No. 768 of 2022 instituted for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 240 liters country made liquor and 9 liters English Wine was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. From perusal of



the FIR, seizure list and impugned order of the learned Exclusive Special Excise Judge-1st, Nawada dated 12.12.2023, it appears that the petitioner has not been apprehended at the spot and his name figured in the confessional statement of local people. Similarly situated co-accused persons has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 16437 of 2023 vide order dated 10.05.2023. Petitioner is in custody since 05.12.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1st, Nawada in connection with Hisua PS Case No. 768 of 2022.

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 be released on bail on 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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