

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11784 of 2024

Arising Out of PS. Case No.-14 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Balwant Ram S/o Shyamlal Ram R/o Village- Shivpur, P.S.- Chainpur,
District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Shyam Bihari Singh

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

ORAL ORDER

2 23-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Chainpur P.S. Case No.14 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act and
Section ¾ of Mahua Flower Act.

3. As per FIR, there is recovery of 510 litre of
illicit liquor and 3000 litres wet Mahua from orchard, Dah forest
area, Kaimur.

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 recovery of
alleged illicit liquor was not made from conscious physical



possession of the petitioner rather the same was recovered from orchard at Dah forest area. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as place of occurrence. 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 a man of clean antecedent and he is in custody since 17.01.2023.

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 Chainpur P.S. Case No.14 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 Special Judge Excise No.1-cum-A.D.J.-IV, Kaimur at Bhabua.

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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