

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12219 of 2024

Arising Out of PS. Case No.-470 Year-2023 Thana- SHIVSAGAR District- Rohtas

Lallan Ram S/O Late Tulsi Bhuiya R/O Village- Mauniya Bigha, Ward No.
08, P.S- Dalmiya Nagar, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Shiv Sagar P.S Case No. 470 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act -2018.

3. As per prosecution case, total 770.500 litre illicit liquor was recovered from the truck.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the



petitioner. On perusal of seizure list there is no independent witness. It is next submitted that petitioner is not arrested on spot. Learned counsel for the petitioner submits that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 31.01.2024 passed in Cr. Misc. No. 3383 of 2024. It is also submitted that petitioner is in judicial custody since 26.10.2023.

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. 2 cum Additional District and Sessions Judge, Rohtas at Sasaram in connection with Shiv Sagar P.S



Case No. 470 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)

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