

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11896 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- DIDARGANJ District- Patna

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Anil Roy @ Anil Kumar Son of Sri Rana Rai Resident of Mohalla- Didarganj,
Nashriganj, P.S.- Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Akbar Ali

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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
Didarganj P.S. Case No. 401 of 2023 registered for the offence
under Sections 30(a) and 36 of the Bihar Prohibition and Excise
Act.

3. As per FIR, there is recovery of 17.280 litre
of illicit liquor from the house 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 arrested on spot and there is not signature of owner of the
hose on seizure list. It is submitted that recovery of alleged



illicit liquor was not made from conscious physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor. It is further submitted that petitioner is in custody since 07.01.2024.

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 Didarganj P.S. Case No. 401 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, Patna City.

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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