

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11045 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- KALYANPUR District- East Champaran

Lalbabu Paswan Son of Jiyan Paswan Resident of village- Chaube Tola
Bhopatpur O.P., P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16852 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- KALYANPUR District- East Champaran

Sonu Kumar SON OF Basudeo Paswan @Basudeo singh RESIDENT OF
VILLAGE - PINARTHO KHURD, PS- DHARAUDHA, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11045 of 2024)

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Anil Kumar

(In CRIMINAL MISCELLANEOUS No. 16852 of 2024)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Upendra Kumar

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

ORAL ORDER

3 04-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No.423 of 2023 registered for the offence under Sections 414/34 of the Indian Penal Code and Sections 30(a), 32(2), 32(3), 36, 41(1) and 41(2) of the Bihar Prohibition and Excise Act.



3. As per FIR, there is recovery of 1379.7 litre of illicit liquor from a truck bearing registration no. JH-10-AL0808

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 and he has no concern with the alleged recovery of illicit liquor. It is also submitted that similarly situated co-accused persons have already been granted bail by this Court as well as learned co-ordinate Bench of this Court through Cr. Misc. No.18525 of 2024 on 13.03.2024, Cr. Misc. No.19672 of 2024 on 28.03.2024 and Cr. Misc. No.13456 of 2024 on 06.03.2024. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 26.11.2023.

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 Kalyanpur P.S. Case No.423 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 Exclusive Special Excise Court No.3, Motihari, East Champaran.

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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