

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12585 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- KALYANPUR District- Samastipur

Ashutosh Kumar Paswan @ Gultu Son of Late Kapal Paswan Resident of
Village- Rampur Rauat, P.S.- Kusheshwar Ashthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Nand Kumar

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

ORAL ORDER

2 26-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No.307 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 6660
litre of illicit liquor from different vehicles parked in the go-
down of co-accused person, namely, Nirmal Keda and petitioner
with other apprehended co-accused persons.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner was not arrest
on spot. It is submitted that recovery of alleged illicit liquor was



not made from physical possession of the petitioner rather the same was recovered from different vesicles parked in the go-down. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as vehicle in question, as he is not an owner of the alleged vehicles as well as go-down. It is also submitted that similarly situated co-accused persons have already been granted bail by this Court and by different co-ordinate Benches of this Court through Cr. Misc. No.9886 of 2024 on 21.02.2024, Cr. Misc. No.85646 of 2023 on 22.01.2024, Cr. Misc. No.86701 of 2023 on 12.01.2024. It is further submitted that petitioner is in custody since 13.11.2023.

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.307 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 -1, Samastipur.

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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