

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12299 of 2024**

Arising Out of PS. Case No.-661 Year-2023 Thana- BRAHMPUR District- Buxar

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Babuuddin @ Babudin S/o Nijamudin Resident of Village - Nirupur, P.S.-  
Haldi, District - Balia (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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**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 Brahmpur P.S Case No. 661 of 2023 registered for  
the offences punishable under Sections 414 of I.P.C and  
Section 30(a) / 41 (1) of Bihar Prohibition and Excise  
Act.

3. As per prosecution case, total 777.600 litre  
illicit liquor was recovered from the pick-up van.

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. No criminal antecedent as stated in para 3 of the petition. One of the co-accused has been granted bail by this Court *vide* order dated 22.02.2024 passed in Cr. Misc. No. 11124 of 2024. It is also submitted that petitioner is in judicial custody since 05.11.2023.

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 Special Court Excise-2, Buxar in connection with Brahmpur P.S Case No. 661 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)

Mayank/-

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