

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12605 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- MAIRWAN District- Siwan

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Samarpal Singh S/O Kiripal Singh @ Kripal Singh R/O Village- Pasuwa,
P.S.- Adampur, District- Amroha (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Mairwa P.S Case No. 320 of 2023 registered for
the offences punishable under Sections 30(a), 41 (i) of
Bihar Prohibition and Excise Act 2016.

3. As per prosecution case, total 351.195 litre
illicit liquor was recovered from a car.

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. Petitioner is neither driver nor owner of the vehicle in question. Petitioner has got no criminal antecedent as stated in para 3 of the petition. It is also submitted that petitioner is in judicial custody since 14.10.2023.

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 Judge, Excise Court No. 1, Siwan in connection with Mairwa P.S Case No. 320 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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