

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12099 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- NAUTAN District- Siwan

Surendra Kumar S/o Hari Shankar Prasad R/o vill - Bagha, P.S. - Yadopur,
Dist. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Harshvardhan
For the Opposite Party/s : Mr.Pramod Kumar Pandey

**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 Nautan P.S Case No. 247 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, total 148.77 litre illicit liquor was recovered from the 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. Learned counsel for the petitioner submitted that there is no specific allegation against the petitioner whereas allegation against the petitioner is general and omnibus. It is also submitted that petitioner is in judicial custody since 23.12.2023

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 Additional Special Excise Judge, No. II, Siwan in connection with Nautan P.S Case No. 247 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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