

Arising Out of PS. Case No.-82 Year-2023 Thana- BALIGAON District- Vaishali

... .. Petitioner/s

## Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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

## ORAL ORDER

2 27-02-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Baligaon P.S. Case No.82 of 2023 registered for the offence under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 949.44 litre of illicit liquor from a pickup van.

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 arrested on spot and his name surfaced on the basis of confessional



statement of other co-accused person. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from a pickup van. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 09.01.2024.

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 Baligaon P.S. Case No.82 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.1-cum-Additional District Sessions Judge, Vaishali at Hajipur.

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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