

Arising Out of PS. Case No.-5 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

... .. Petitioner/s

Versus

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with Mohammadpur P.S Case No. 05 of 2024 registered for the offences punishable under Section 30(a), 30(b) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, total 43.200 litres of illicit foreign liquor was recovered from a gunny bag which was thrown by the petitioner when intercepted by the police. The petitioner succeeded to flee away by the motorcycle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Learned counsel for the petitioner next submits that nothing incriminating has been recovered from his conscious possession. From perusal of the seizure list, it appears that there was no any independent witness. The petitioner is in custody since 17.01.2024.



5. However, learned APP for the State opposed 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 Sessions Judge-II-cum-Special Judge, Excise Court No.1, Gopalganj in connection with Mohammadpur P.S Case No. 05 of 2024.

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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