

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13739 of 2024

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

Shyam Kumar @ Shyam Kumar Rai @ Shyam Ray SON OF LATE SURAJ
KUMAR Vill. -Harsingpur lautan Ps- sakra dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, 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 Baligaon P.S Case No. 82 of 2023 registered for the offences punishable under Sections 272, 273, 414/34 of the IPC and Section 30(a), 32(II) and 41(I) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, total quantity of 949 litres of illicit country made foreign liquor was recovered from a Bolero Pickup Van bearing Registration No. BR06GA-6753

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. Leaned counsel for



the petitioner next submits that the petitioner was not arrested on the spot and from perusal of the seizure list, it appears that there was no any independent witness to the said seizure. The petitioner has clean antecedent as stated in para-3 of the present bail petition. He is in custody since 12.01.2024.

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 Exclusive Special Excise Court No.1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S Case No. 82 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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