

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15371 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- JANTA BAZAR District- Saran

Firoz Alam Son of Md. Kalamuddin @ Kalamuddin @ Kalamuddin Miyan
Resident of Village- Bakwan, P.S.- Panapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raushan Raj

For the Opposite Party/s : Mr.Asha Kumari

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

ORAL ORDER

2 05-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Janta Bazar P.S. Case No.213 of 2023 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Section 30 and 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total
374.650 litre of illicit liquor and other utensils from house of
Upendra Choudhry.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is also submitted that petitioner
was not arrest on spot, where, his name surfaced on the basis of



confessional statement of other co-accused person, namely, Upendra Choudhary. 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 house of the other co-accused persons, namely, Upendra Choudhary. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as place of recovery. It is further submitted that petitioner is in custody since 20.12.2023.

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 Janta Bazar P.S. Case No.213 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 3rd Exclusive Special Excise Court, Saran at Chapra.

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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