

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20361 of 2024

Arising Out of PS. Case No.-445 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sunil Kumar Son of Rajendra Ray Resident of Village- Jitwarpur Nizamat,
Police Station- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Samastipur Muffasil P.S Case No. 445 of 2022
registered for the offences punishable under Sections
30(a), 41(i) (ii) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per prosecution case, total 2626.8 litre
illicit liquor was recovered from Bolero and Truck.

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. Petitioner is neither owner nor driver of the said vehicle. Petitioner's name surfaced in this case merely on suspicion. It is also submitted that petitioner is in judicial custody since 12.01.2024.

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 Exclusive Court of Learned Special Judge, Excise-I, Samastipur in connection with Samastipur Muffasil P.S Case No. 445 of 2022.

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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