

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17276 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- KOPA District- Saran

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Bittu Kumar Son Of Birendra Ray Resident Of Village - Roopgang, P.S. -
Chapra Town, District - Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kopa P.S.
Case No. 263 of 2023 instituted for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, petitioner was
apprehended on the spot with scooty and total 20 liters of illicit
liquor was recovered from the said scooty.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He has no concern with the
alleged recovered liquor or scooty. Nothing incriminating article
has been recovered from his conscious possession. Both the
seizure list witnesses are police personnel which is complete
violation of Section 100 of Cr.P.C. A statement has been made in



para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 31.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Kopa P.S. Case No.263 of 2023.

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 petitioner shall be released on bail on 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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