

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17026 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- PHULWARIYA District- Gopalganj

Chhotan Giri S/O- Vilar Giri R/O- Village- Badka Singh Janawa Kala, P.S.-
Kteya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 13 of 2024 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Amendment Act.

3. As per the prosecution case, total 41.880 liters of
foreign liquor has been recovered from the tempoo and
motorcycle.

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 recovery. 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. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 10.01.2024.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioner, this Court is inclined to enlarge the petitioner on bail, let the petitioner above named 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 Additional Sessions Judge-II-cum-Special Judge, Excise Court No.1, Gopalganj in connection with Phulwariya P.S. Case No.13 of 2024.

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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