

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19729 of 2024

Arising Out of PS. Case No.-782 Year-2023 Thana- BRAHMPUR District- Buxar

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Aniket Kumar Gupta @ Manish Shah S/o Late Ramashankar Gupta @ Rama-Shankar Sahu R/o Vill - Brahmpur Nainijor Road, P.S. - Brahmpur, Dist. - Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Brahmpur P.S Case No. 782 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act 2018 and 25(1-b)a, 26, 35 of Arms Act.

3. As per prosecution case, total 69.84 litre illicit liquor and one barrel country made loaded gun was recovered.

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. On perusal of seizure list there is no independent witness. It is next submitted that one of the co-accused has been granted bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 18868 of 2024. It is also submitted that petitioner is in judicial custody since 30.12.2023.

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 Special Excise Court No-2, Buxar in connection with Brahmpur P.S Case No. 782



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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