

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21234 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- ALAMGANJ District- Patna

SUBHASH SAO, MALE, AGED ABOUT 75 YEARS, S/O- LATE RAM
CHANDRA SAO R/O- VILLAGE- MAHARAJGANJ, RAJPUTANA GALI,
P.S.- ALAMGANJ, DIST.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Khurshid Anwar

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

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Alamganj P.S Case No. 82 of 2024 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act.

3. As per prosecution case, total 35 litre illicit liquor
was recovered from the possession of the petitioner.

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. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No.19669 of 2024 on 15.03.2024. It is also submitted that petitioner is man of clean antecedent and he is in judicial custody since 03.02.2024.

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 Special Court of Excise, Patna City in connection with Alamganj P.S Case No. 82 of 2024.

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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