

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20047 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- GANGABRIDGE District- Vaishali

Chunnu Kumar @ Baba S/o Bachcha Rai Singh @ Ram Parvesh Singh
Resident of Village - Sahdullahpur, P.S. - Gangabridge, Dist. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ganga
bridge P.S. Case No. 202 of 2023 instituted for the offences
punishable under Sections 30(a), 36 and 41(1) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, total 9289.800 liters of
illicit liquor has been recovered from the three vehicles.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case due to high handedness of
police. He has no concern with the alleged recovery. Neither the
petitioner was arrested on the spot nor any incriminating article
has been recovered from his conscious possession. As submitted



by learned counsel for the petitioner that petitioner has no concern with the said three vehicles. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is languishing in judicial custody since 03.02.2024. Similarly situated co-accused person has already been granted bail by this Court in Cr. Misc. No. 9837 of 2024 vide order dated 21.03.2024.

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

6. Considering the facts and circumstances of the case and submissions 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 if not framed* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Ganga bridge P.S. Case No. 202 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge if not framed 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 furnishing bail bond with further condition that one of the bailors must be close relative of the petitioner and the petitioner has to present physically on each and every date before the Trial Court till conclusion of trial and if the petitioner would absent for two consecutive dates without any cogent reason, the bail bonds of the petitioner shall be cancelled by the learned trial court itself.

(Ramesh Chand Malviya, J)

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