

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26092 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Chandan Kumar @ Chandan Kumar Gupta S/o- Late Jagan Sah Vill-
Malighat Bharat Mata Chowk BM P-6 Road P.S. - Mithanpur District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tilak Sao, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Special Case No. 62 of 2024 arising out of Ram Krishna Nagar
P.S. Case No. 7 of 2024 registered for the offence under
Sections 30(a), 30(c), 30(f), 33, 34(B) and 41(i) of the Bihar
Prohibition.

3. The prosecution case, in short, is that 3940 liters
spirit was recovered from godown.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that petitioner was not arrested
on spot and his name was surfaced on the confessional



statement of co-accused person, namely, Uma Shankar Kumar @ Umashankar who has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 18082 of 2024 vide order dated 12.03.2024. There is no independent witness of seizure list. Nothing has been recovered from the possession of the petitioner. He further submits that the petitioner is in custody since 05.01.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Considering the aforesaid facts and circumstances of the case, 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 learned Special Judge – II, Excise Act, Patna in connection with Special Case No. 62 of 2024 arising out of Ramkrishna Nagar P.S. Case No. 07 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 proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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