

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34111 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- GOPALPUR District- Gopalganj

Santosh Singh @ Santosh Kumar @ Santosh Bhagat, Male, Aged about 43 years, Son of Banka Bhagat, R/o Sahur Pakdiyar, P.S. Gopalpur, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Gopalpur P.S Case No. 244 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, total 180 litres of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case by the 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. His name surfaced from the statement of the Chowkidar. Similarly situated co-accused namely, Saral Bhagat has already been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 22202 of 2024. Moreover, petitioner is in judicial custody since 15.01.2024.

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 submission 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 Additional Sessions Judge-IV-cum-Exclusive Special Judge, Excise-II, Gopalganj in connection with Gopalpur P.S Case No. 244 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. Further, petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bonds.

(Ramesh Chand Malviya, J)

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