

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26293 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Shrawan Paswan S/o Sri Ganaga Paswan R/o village - Karmnagar, Kachahari
Gachhi, P.S. - Mohiuddin Nagar, distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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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
Mohiuddin Nagar P.S. Case No. 02 of 2021 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. As per the prosecution story, it is a case of recovery
of 20 liters of country made liquor from the possession
petitioner and other co-accused persons. It is also alleged that
the petitioner and other co-accused person were involved in
making and selling country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Nothing has been recovered from the possession of the petitioner. He further submits that the petitioner is in custody since 08.01.2024.

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

6. On perusal of the FIR, impugned order dated 22.02.2024, it appears that this is a case of misuse of bail of the petitioner and he is absent from the appearance before the trial Court in this case since 20.05.2023. Petitioner is ready to surrender before the trial Court as submitted by learned counsel for the petitioner. So this is misuse of bail for about one year and the petitioner is in custody since 08.01.2024.

7. Considering the aforesaid facts and circumstances of the case and period of custody, 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, Excise 2, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 02 of 2021.

8. 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 trial of this case and if the petitioner remain absent on two consecutive dates without any cogent reason, the bail bonds of the petitioner shall be cancelled by the trial Court itself.

(Ramesh Chand Malviya, J)

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