

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28431 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- TAJPUR District- Samastipur

Rahul Kumar @ Rahul Kumar Roy, Aged about 32 years, Male, Son of Shiv Chandra Ray, Resident of Village- Sarangpur east, P.S.- Tajpur (Halai O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 At the outset, it is submitted by learned counsel for the petitioner that application against this petitioner was earlier withdrawn vide order dated 27.03.2024 by another co-ordinate Bench of this Court.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in connection with Tajpur P.S. Case No. 66 of 2024 instituted for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

4. As per the prosecution case, total 61.560 liters of illicit liquor has been recovered from the hut of the co-accused



Chandra Kishore Ray.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no any concern with the alleged recovered liquor and other co-accused persons. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused persons have already been granted anticipatory bail by this Court vide order dated 20.03.2024 and 27.03.2024 passed in Cr. Misc. 18311 of 2024 and 20673 of 2024 respectively. Moreover, he is languishing in judicial custody since 03.03.2024.

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

7. 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* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-02, Samastipur in connection with Tajpur



(Halai O.P.) P.S. Case No.66 of 2024.

8. The trial Court is directed to conclude the proceeding of framing of charge 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 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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