

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28478 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

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Guddu Kumar, Aged about 21 years, Gender-Male, S/o Mohan Mahato @ Mahan Mahato, R/o village - Baikunthpur, P.S. - Baikunthpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Naresh Prasad, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 33 of 2024 instituted for the offences punishable under Sections 30(a)/41 of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, five accused persons including the petitioner were apprehended on the spot and from the Pick-up vehicle and two motorcycles, total 985 liters of illicit spirit 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. He has no concern with the alleged recovered spirit. Nothing incriminating article has been recovered from his conscious possession. As per F.I.R., 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 04.02.2024.

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* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Baikunthpur P.S. Case No.33 of 2024.

7. 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 furnishing bail bond with further condition
that the petitioner have to present physically on each and
every date before the Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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