

Arising Out of PS. Case No.-11 Year-2024 Thana- BIBHUTIPUR District- Samastipur

DHARMENDRA KUMAR PANDIT @ DHARMENDRA KUMAR, MALE,
AGED ABOUT 24 YEARS, SON OF NARESH PANDIT RESIDENT OF
VILLAGE- BELSANDI TARA, WARD NO. 07, PS- BIBHUTIPUR, DIST-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : **Mr.Pradeep Narain Kumar**

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 10-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Bibhutipur P.S. Case No.11 of 2024 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 1265.4 litre of illicit liquor from possession of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case, where, petitioner was not named in FIR and his name surfaced during course of investigation. It



is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner and he has no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 25.02.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Bibhutipur P.S. Case No.11 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Samastipur.

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 above named 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 proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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