

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27631 of 2024

Arising Out of PS. Case No.-22 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Shiv Kumar Sharma (M), Aged about 47 years, S/O Rama Shankar
Sharma@Ramsarkar Sharma Village- Jiyay,P.S- Muffasil, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Siwan
(Muffasil) P.S. Case No. 22 of 2022 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. As per the prosecution case, total 142.280 liters of
illicit liquor has been recovered from the brick soiling road near
west bridge of Railway Dhala.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case due to his previous criminal
antecedent. 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. Petitioner is languishing in judicial custody since 17.02.2024.

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 Exclusive Special Excise Judge, Court No.-II, Siwan in connection with Siwan (Muffasial) P.S. Case No. 22 of 2022.

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 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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