

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31349 of 2024

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

Chhathu Ram @ Chhatu Ram, Male, Aged 24 years, Son of Ramanand Ram,
Resident of Village - Mohammadpur, P.S. - Mohammadpur, District -
Gopalganj - 841423 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanupriya Singh, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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

ORAL ORDER

2 25-04-2024 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) and 41 of Bihar Prohibition and
Excise 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. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Similarly situated co-accused namely, Guddu Kumar has already been granted bail by this Court vide order dated 16.04.2024 passed in Cr. Misc. No. 28478 of 2024. Moreover, petitioner is languishing in judicial custody since 03.02.2024.

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 District and Sessions Judge-XIII-cum-Special Excise Court-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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