

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28466 of 2024

Arising Out of PS. Case No.-648 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Brajesh Kumar @ Brajesh Kumar Rai @Brajesh Kumar Ray, Male, Aged
about 20 years, Son Of Jagan Rai @ Jagan Ray, Resident Of Village-
Dakshini Dumari, P.S.- Mohanpur O.P., District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

**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 Patori
(Mohanpur O.P.) P.S. Case No.648 of 2023 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act.

3. As per the prosecution case, total 100 liters of
country made liquor has been recovered from the *bathan* of the
co-accused Rajesh Kumar.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case only on the basis of



suspicion. He has no concern with the alleged recovered liquor and place of recovery. Nothing 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. Petitioner is languishing in judicial custody since 20.10.2023.

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 Special Judge Excise-02, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 648 of 2023.

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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