

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28294 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- ANDHRAMATH District- Madhubani

Shambhu Yadav @ Shambhu Kumar Yadav Son of Kamal Yadav @ Kamlesh Yadav Resident of Village- Mahdeva (Mahdewa), Police Station- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Andharamath P.S. Case No.184 of 2023 registered for an offence punishable under Sections 272 and 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, total 495 liters of Nepali liquor was recovered near the canal.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that the petitioner has not been arrested at the spot and on perusal of the seizure list, there are no independent witnesses. Petitioner is in custody since 01.03.2024. Similarly situated co-accused person have been granted bail by this Court in Cr. Misc. No. 20784 of 2024 vide order dated 28.03.2024 and Cr. Misc. No. 9710 of 2024



vide order dated 19.02.2024.

5. However, learned APP for the State opposes the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and submission made on behalf of the petitioner, the prayer for regular bail of the petitioner is allowed. Accordingly, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Andharamath P.S. Case No. 184 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to the law within a period of 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 above conditions and the petitioner 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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