

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32457 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SIRDALA District- Nawada

Jhagadu Singh @ Sakendra Singh @ Jhajru Singh Son Of Sukhdeo Singh
Resident Of Village- Jamundaha, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sirdala
P.S. Case No. 31 of 2024 instituted for the offences punishable
under Sections 30(a)(c) and 41 of Bihar Prohibition and Excise
Act 2016.

3. As per the prosecution case, total 215 liters of
country made mahua liquor and 1700 litre fermented Jawa
Mahua has been recovered from the Shelgar forest.

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 liquor and place of recovery. Neither the



petitioner was arrested on the spot nor any 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. It is next submitted that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 21.03.2024 passed in Cr. Misc. No. 23367 of 2024. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 02.02.2024.

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 Court-I, Nawada in connection with Sirdala P.S. Case No. 31 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 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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