

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33189 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- SHEKHPURA District- Sheikhpura

Gopal Yadav @ Gopal Kumar Yadav Son Of Mishri Yadav @ Mishri Gop
Resident Of Village - Kamdarganj, Police Station - Silaw, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

ORAL ORDER

3 12-07-2024 Heard learned counsel appearing on
behalf of the parties.

2. The petitioner seeks bail in connection with Sheikhpura P.S. Case No.153 of 2024 registered for the offence under Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 44.625 litre of illicit liquor from possession of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that recovery



of alleged illicit liquor was not made from conscious physical possession of the petitioner and he has no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is next submitted that other co-accused has already granted bail by the Co-ordinate Bench of this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 31021 of 2024. It is further submitted that petitioner is in custody since 12.03.2024 and has got no criminal antecedent.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Sheikhpura P.S. Case No.153 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura.

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 above named 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 proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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