

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31809 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- FALKA District- Katihar

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Dabloo Kumar Das, age 21 years, Male, Son of Sitavi Das, Resident of
Village- Gopalpur, P.S.- Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Falka
(Pothia) P.S. Case No. 27 of 2023 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, total 120 liters of
country made liquor has been recovered from a tempo.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to local village politics.
Petitioner has not been named in the FIR. There is no any eye
witness of the occurrence. He further submits that the petitioner



is not the owner but he was only the driver of the said vehicle. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 05.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional District and Sessions Judge Exclusive Special Excise-2 Katihar dated 16.03.2024, it appears that the seized articles have been recovered from the tempo and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 Sessions Judge, Exclusive Excise Court No. 2, Katihar in connection with Falka (Pothia) P.S. Case No. 27 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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