

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31702 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- BHORE District- Gopalganj

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Fagulal Prasad @ Bihari Kumar, Aged about 18 years, Gender-Male, Son Of
Badelal Sah @ Ramjee Sah, Resident Of Village - Mirganj Purab Mohalla,
P.S. - Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, 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 Bhore P.S.
Case No. 27 of 2024 instituted for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise (Amendment) Act,
2018.

3. As per the prosecution case, total 30.520 liters of
country made and foreign wine has been recovered from a gunny
bag which was kept on the seat of motorcycle bearing Registration
No. BR-28M-8456.

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 motorcycle. No 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. Petitioner is languishing in judicial custody since 28.01.2024.

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 Additional Sessions Judge-XIII-cum-Special Judge Excise Court-1, Gopalganj, District-Gopalganj in connection with Bhore P.S. Case No. 27 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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