

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33086 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- KORMA District- Sheikhpura

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Rohit Kumar @ Rohit Ram, Male, Aged about 29 years, Son Of Karu Ram @ Karu Dhari, Resident Of Village -Murarpur, Police Station- Korma, District -Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Korma P.S. Case No. 25 of 2024 instituted for the offences punishable under Sections 30(a)/32 of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, there is recovery of total 37.5 liters of country made liquor from a motorcycle.

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 any concern with the alleged recovered liquor and motorcycle. Neither he 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. His name has been dragged in this case on the basis of confession made by the apprehended co-accused Manikant Ram before the police, who has already been granted bail by this Court vide order dated 08.04.2024 passed in Cr. Misc. No. 26362 of 20224. Moreover, petitioner is languishing in judicial custody since 08.04.2024.

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 Judge, Sheikhpura in connection with Korma P.S. Case No.25 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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