

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37986 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- JAYNAGAR District- Madhubani

Kaari Miyan @ Md. Kari Miyan Son of Md. Abdul @ Abdul Miyan Resident
of Village -Korahia ward no.9, P.S.- Jaynagar, District -Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Shaheen Begum, APP

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

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner is in custody in connection with Jaynagar P.S. Case No. 28 of 2024 registered for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 225 litres of illicit liquor and two motorcycles have been recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been



implicated in this case. He further submits that the petitioner has not been arrested from the spot and no incriminating substance has been recovered from the conscious possession of the petitioner and seized motorcycles does not belongs to the petitioner. He further submits that the petitioner is in custody since 30.03.2024 and other co-accused persons have been granted bail by this Court and other learned coordinate Benches of this Court vide orders dated 18.04.2024 passed in Cr. Misc. No. 29307 of 2024 and 22.04.2024 passed in Cr. Misc. No. 29840 of 2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the First Informant Report, impugned order dated 24.04.2024 and seizure list and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 28 of 2024.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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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