

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38390 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- Excise P.S. District- Gopalganj

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1. Jata Sah Son Of Late Jhalar Sah Village- Nawada Rajokhar Ward No. 10, Ps- Nagar Gopalganj, Dist- Gopalganj
 2. Mukesh Kumar Sah Son Of Jata Sah Village- Nawada Rajokhar Ward No. 10, Ps- Nagar Gopalganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Excise P.S Case No. 278 of 2024 registered for the offences punishable under Sections 30(a)/30(b)/30(c)/30(d)/33 of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, total 118.4 litre illicit liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It



is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. It is also submitted that petitioner is in judicial custody since 22.03.2024.

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

6. On perusal of the FIR, impugned order 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 each to the satisfaction of learned Additional Sessions Judge -IV- cum- Exclusive Special Judge, Excise Court No. II, Gopalganj in connection with Excise P.S Case No. 278 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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