

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39025 of 2024

Arising Out of PS. Case No.-593 Year-2022 Thana- GRIYAK District- Nalanda

Chunnu Kumar @ Baba, aged about 30 years, Male Son of Bocha Singh @
Ram Pravesh Singh, Resident of Village- Nawadakalan, Sahdullahpur, P.S.-
Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh,

**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 seeks bail in connection with Giriyaak
P.S. Case No. 593 of 2022 instituted for the offences punishable
under Section 30(a), 32(i)(ii), 36 and 41(z) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 1791 liters of
foreign liquor has been recovered from a truck bearing
registration no. JH12A 1068, the driver and khalasi of the truck
have been apprehended by the police.

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. He further submits that the



petitioner is not apprehended at the spot and has no concerned with the alleged recovery of foreign liquor. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Majoj Paswan and Mukesh Paswan. Petitioner is in custody since 29.04.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-Vth-cum-Special Judge (Excise) Bihar Sharif, Nalanda dated 13.05.2024, it appears that the name of the petitioner has been surfaced only on the basis of confessional statement of co-accused namely, Majoj Paswan and Mukesh Paswan. Similarly situated co-accused persons namely Sanjiv Kumar @ Sanjiv Chaudhary has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 11899 of 2024 vide order dated 26.02.2024, 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-Vth-cum-Special Judge Excise, Bihar Sharif, Nalanda in connection with Giriyak P.S. Case No. 593 of 2022.

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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