

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48160 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- BARSOI District- Katihar

Angad Chaudhari @ Ankat Chaudhari, age 37 years, Male, Son of Ajodhya Chaudhari, Resident of Bajedogachh, Bind Tola, P.S.- Barsoi (Kachna O.P.), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Ms Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Barsoi (Kachna O.P.) P.S. Case No. 29 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation in the FIR, total 325 liters of country made liquor was recovered from the bamboo shrubs.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that there is no recovery from the conscious possession of the petitioner and he has no concern with the seized liquor and petitioner is in custody since 09.04.2024.



5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge Exclusive Excise Court No. 2, Katihar dated 13.05.2024, it appears that the petitioner is not arrested at the spot, there is no any independent witness of the seizure list and similarly situated co-accused persons namely Suraj Chaudhary, Sothi Devi @ Surthi Devi and Tiliya Devi @ Telima Devi have been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 27158 of 2024 and 24870 of 2024 vide orders dated 20.04.2024 and 09.04.2024 respectively, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Barsoi (Kachna O.P.) P.S. Case No.29 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Exclusive Excise Court No.2, Katihar.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to 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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