

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1420 of 2024

Arising Out of PS. Case No.-524 Year-2023 Thana- Excise P.S. District- Supaul

Sonu Kumar Son Of Shambhu Kumar @ Shambhu Yadav Village- Khad
Mohanpur W.No-1, P. S. And District – Madhepura Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is in custody in connection with Supaul Excise P.S. Case No. 524 of 2023 registered for an offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, it is a case of recovery of 218 liters of codeine mixed cough syrup.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he is in custody since 11.09.2023. Similarly situated co-accused person, namely, Chandan Kumar has already been granted bail by this Court in Cr. Misc. No. 85316 of 2023 vide order dated 13.03.2024.

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

6. From perusal of the first information report and seizure list, it appears that no independent witness of seizure list



and all witnesses are an official witnesses who are in Excise Department and petitioner has got clean antecedent as stated in para-3 of the petition, in these circumstances, I am inclined to grant bail to the petitioner.

7. Under the aforesaid facts and circumstances, let the above named petitioner be released on bail *after framing of the chargesheet* on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge – 2nd, Excise Act Supaul in connection with Supaul Excise P.S. Case No. 524 of 2023.

8. 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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