

Arising Out of PS. Case No.-284 Year-2018 Thana- BALIYA District- Begusarai

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Braj Bhusan Poddar
For the Opposite Party/s : Mr.Sangeeta Sharma

ORAL ORDER

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Balia P.S. Case No.284 of 2018 registered for the offence under Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is about recovery of huge quantity of liquor form the Chimney Bhata and the name of the petitioner has also been disclosed by the spy as the person involved in the liquor trade.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case, where, petitioner is not named in



the FIR, where, name of the petitioner surfaced on the basis of suspicion. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner and he has no concern with the alleged recovery of illicit liquor. It is submitted that other similarly situated co-accused persons have already been granted bail by different co-ordiante Benches of this Court through Cr. Misc. No.12841 of 2019 on 30.04.2019, Cr. Misc. No.15899 of 2019 on 11.07.2019 and Cr. Misc. No.24197 of 2019 on 18.04.2019. It is further submitted that petitioner is in custody since 13.10.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Balia P.S. Case No.284 of 2018 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-IIInd, Begusarai.

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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