

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 56328 of 2023**

Arising Out of PS. Case No.-676 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Banka

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1. Md. Rahim @ Md. Rahis S/O Md. Bechan R/O Village- Ghamaria, Ward No.-11, P.S- Saur Bazar, Distt.- Saharsa.
  2. Sumit Kumar S/O Chandeshwari Yadav R/O Village- Budh Nagar, Ward No.-3, P.S- Ghailar, Distt.- Madhepura.
  3. Rajaram Kumar S/O Jaleshwarsah R/O Village- Pathraha, Ward No.-3, P.S- Ghailar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      30-08-2023                      Let the defect(s), if any, be removed within two weeks  
from today.

2. Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

3. The petitioners seek regular bail in connection with  
Excise Banka P.S. Case No. 676 of 2023 (Excise Complaint  
Case No. 676 of 2023), dated 31.07.2023, lodged under Section  
30(a) of the Bihar Prohibition and Excise Act, 2016.

4. As per the prosecution case, the total recovery of  
129.600 litre of foreign wine has been made from a tempo on  
which the present petitioners were going, which is the subject  
matter of the present case.

5. Learned counsel for the petitioners submits that the

petitioners are innocent and have committed no offence. Counsel submits that only on suspicion police has arrested them. Counsel submits that there is gross violation of Section 100 of the Cr.P.C. in preparation of the seizure list. Upon specific query from the counsel for the petitioners that whether charge has been framed or not, counsel submits that as per his knowledge, charge has not been framed in this case as yet.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners and, therefore, their bail petition is hereby rejected.

8. However, liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge and the Trial Court is directed to release them on bail thereafter imposing its own conditions so that they may not evade their appearance during trial.

9. With this observation, the bail application stands rejected.

**(Dr. Anshuman, J.)**

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