

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9089 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- BAUNSI District- Banka

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1. Md. Sanaul, aged about 26 years, Male Son of Late Mohammad Miyan, Resident of Village- Kokda Jori P.S.-Jasidih District -Deoghar, Jharkhand.
 2. Sumit Kumar @ Vikash Kumar, aged about 25 years, Male Son of Chandar Yadav, Resident of Village -Sadpur Police Station- Shakhund District -Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bounsi PS Case No. 328 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 134.625 liters illicit foreign made liquor has been recovered from a Bolero vehicle.

4. Learned counsel for the petitioners submits that the



petitioners are innocent have committed no offence and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are no concern with the seized liquor and there is no any independent witness in the seizure list to support the prosecution case. Petitioners have got no criminal antecedent as stated in para-3 of the petition. Petitioners are in custody since 16.11.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Banka in connection with Bounsi PS Case No. 328 of 2023.

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 petitioners shall be released on bail on above conditions and they 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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