

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8995 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- KHIRHAR District- Madhubani

1. Vijay Sahani, aged about 19 years, Male Son of Pancha Sahani, Resident of Village-Sathgaon (Madhubani Tola), P.S.-Harlakhi, District-Madhubani.
2. Ajit Kumar @ Ajit Kumar Yadav, aged about 28 years, Male Son of Ram Uday Yadav @ Ramudar Yadav, Resident of Village-Barhi P.S.-Harlakhi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, 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 G.R.
No. 1681 of 2023 arising out of Khirhar PS Case No. 102 of
2023 instituted for the offences punishable under Sections 272,
273, 414/34 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 315 liters of illicit
liquor has been recovered from a four-wheeler vehicle.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and has committed no offence and has
falsely been implicated in this case. From the perusal of the first



information report, seizure list and impugned order of the learned Special Judge, Excise Act, Madhubani dated 18.12.2023, it appears that the FIR has been registered on the basis of written report against two accused persons both are petitioners in this case. There is recovery of total 315 liters of illicit liquor from the said vehicle. Petitioner no. 2 is the driver and petitioner no. 1 is the co-passenger and they were not aware with regard to the recovered illicit liquor loaded on the vehicle. Petitioners have got no criminal antecedent as stated in para-3 of the petition. Petitioners are in custody since 20.11.2023.

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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Khirhar PS Case No. 102 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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