

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13977 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- ATRI District- Gaya

1. PAPPU CHAUDHARY S/O- SARYUG @ SARYU CHAUDHARY R/O- VILLAGE- KARAMCHAK TOLA LANKA JALALPUR, P.S.- ATRI, DIST.- GAYA.
2. RAJESH RAJBANSHI S/O- SUKHDEO RAJBANSHI R/O- VILLAGE- KARAMCHAK TOLA LANKA JALALPUR, P.S.- ATRI, DIST.- GAYA.

... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Atri P.S. Case No.395 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 25 litre of illicit liquor from a Bhathi (Oven) situated in a field of village Karamchak.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case, where, petitioners were not arrested on spot. It is submitted that recovery of alleged illicit liquor was



not made from conscious physical possession of these petitioners rather the same was recovered from a field, which is a public place. It is further submitted that the petitioners have no concern with the alleged recovery of illicit liquor as well as field in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that both the petitioners are in custody since 03.01.2024.

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 petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Atri P.S. Case No.395 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya.

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 petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners 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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