

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11103 of 2024

Arising Out of PS. Case No.-277 Year-2023 Thana- MANIGACHI District- Darbhanga

1. Rakesh Kumar @ Chhotu Son of Dayaram Yadav Resident of Village- Ganj Raghauli Madhapatti, P.S.-Kamtaul, Distt.-Darbhanga
2. Guddu Kumar Son of Kamod Das Resident of Vill.-Piraul Kaligaon, P.S.-Singhwara, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 04-04-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Manigachhi P.S. Case No.277 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 900.800 litre of illicit liquor from a truck bearing no. BR07GC2089.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case, where, petitioner no.1 is owner and petitioner no.2 is co-driver of the alleged truck. It is submitted that recovery of alleged illicit liquor was not made



from conscious physical possession of the petitioners and they have no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are men of clean antecedent and he is in custody since 31.12.2023.

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

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 Manigachhi P.S. Case No.277 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 Judge II (Excise Act), Darbhanga.

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)

S.Katyayan/-

U		T	
---	--	---	--

