

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9371 of 2024

Arising Out of PS. Case No.-772 Year-2023 Thana- BUDDHACOLONY District- Patna

1. Ashish Kumar, aged about 24 years, Male Son of Ashok Kumar @ Ashok Prasad Yadav, Resident of Village -Baishali Tola Badi Bagicha Ward No. 69, PS- Malsalami District -Patna.
2. Mukesh Kumar, aged about 28 years, Male Son of Devendra Rai Resident of Village- Pirdamariya, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, 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 Buddha Colony PS Case No. 772 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 498.23 liters English Wine has been recovered from a pick-up van.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Petitioner no. 1 is sitting on the vehicle and petitioner no. 2 is



driving the vehicle. Petitioners have got no criminal antecedent as stated in para-3 of the petition. Petitioners are in custody since 07.12.2023.

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 Exclusive Special Court Excise-1st, Patna in connection with Buddha Colony PS Case No. 772 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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