

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10574 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- CHOUTARWA District- West
Champaran

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1. Purkha Ram Son of Sri Swarupa Ram R/o village- Khaddin, P.S.- Ramsar,
Dist. - Badmer (Rajasthan)
 2. Mohan Lal Son of Sri Anada Ram R/o Village- Rawatsar, P.S.- Ramsar,
Dist.- Badmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 20-04-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek regular bail in connection with
Chautarwa P.S. Case No. 309 of 2023 registered for the offence
under Sections 420, 467, 468, 472, 120B of the IPC and Section
30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, it is a case of recovery
of 7254.360 liters of foreign liquor from the possession of the
petitioners.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in the
present case. Nothing has been recovered from the possession of
the petitioners. He further submits that the petitioners are in



custody since 27.11.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR, seizure list, impugned order dated 08.01.2024, it appears that petitioner No. 1 is the driver of the said truck and petitioner No. 2 is Khalasi of the said truck. Petitioner No. 1 has one criminal antecedent while petitioner No. 2 has got no criminal antecedent as stated in para 3 of the bail petition. Investigation is already concluded and charge sheet has been submitted in this case against both the petitioners.

7. Considering the aforesaid facts and circumstances of the case and period of custody, let the petitioner, above named, be released on bail *after framing of charge if not framed* on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagaha in connection with Chautarwa P.S. Case No. 309 of 2024 with further condition that one of the bailors of the petitioners must be a close relative of the petitioners.

8. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the above conditions and he shall be present physically on each and every date before the trial court till conclusion of trial of this case and if the petitioners remain absent on two consecutive dates without any cogent reason, the bail bonds of the petitioners shall be cancelled by the trial Court itself.

(Ramesh Chand Malviya, J)

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