

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13053 of 2024

Arising Out of PS. Case No.-1323 Year-2023 Thana- Excise P.S. District- Darbhanga

1. Dashrath Kumar Yadav S/O GAURI PRASAD YADAV @ GAURI PRASAD R/O VILLAGE- BIRPUR,PS.- LALMANIYA, DIST.- MADHUBANI.
2. VIVEK YADAV S/O TIRPIT YADAV R/O VILLAGE- SINGHPA PARSADI PS.- LADANIYA, DIST.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 27-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Excise Sadar P.S. Case No. 1323 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 450 litres of illicit liquor from the Scorpio vehicle bearing Reg. No.MH-02AV-4553.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from physical possession of



the petitioners. 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 a man of clean antecedent as stated in para 3 of the bail petition and they are in custody since 09.11.2023.

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 the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Excise Sadar P.S. Case No. 1323 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-I, Excist 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)

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