

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16264 of 2024

Arising Out of PS. Case No.-1371 Year-2023 Thana- Excise P.S. District- Sitamarhi

1. Om Prakash Prasad S/o Lt. Sahtu Bhagat R/o vill - Rajepur, ward no. 3, P.S. - Rajepur, Dist - Motihari
2. Arun Kumar S/o Nawal Sah R/o vill - Sonoul, ward no. 11, P.S. - Rajepur, Dist - Motihari
3. Laxman Prasad S/o Yadu Bhagat @ Yadunand Bhagat R/o Bhawrup, P.S. - Madhuban, Distt. - Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sitamarhi Excise P.S.Case No. 1371 of 2023 instituted for the offences punishable under Section 30(a) 32 (3) of Bihar Prohibition & Excise Amendment Act.

3. As per the prosecution case, total 797.400 liters of liquor was recovered from Bolero pickup van and Motorcycle bearing Reg. No. BR31GA8912.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case. The petitioner no. 1 and 2 is driver and Khalsi of the said vehicle and petitioner no. 3 is owner of the Bolero and he has no concern about the said liquor. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 13.12.2023 having clean antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case 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** be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court Excise-II Sitamarhi/ concerned court in connection with Sitamarhi P.S.Case No. 1371 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 above named petitioner shall be released on bail on furnishing bail bond with further conditions 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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