

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11701 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- DAUDPUR District- Saran

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1. Ritu Raj Son of Surendra Prasad Resident of Mohalla- Bhagwan Bazar Chowk, P.S.-Bhagwan Bazar, Chapra, District- Saran, Bihar
 2. Anup Kumar Son of Devnath Prasad Resident of Mohalla- Bhagwan Bazar Chowk, P.S.-Bhagwan Bazar, Chapra, District- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Daudpur P.S. Case No.07 of 2024 registered for the offence under Sections 30(a), 33 and 34 of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 150 litre of illicit liquor from a tempo bearing registration BR04PA 0455.

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 conscious physical



possession of the petitioners rather the same was recovered from a tempo. It is further submitted that the petitioners have no concern with the alleged recovery of illicit liquor as well as vehicle in question. 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 man of clean antecedent and they are in custody since 07.01.2024.

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 Daudpur P.S. Case No.07 of 2024 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 1st Exclusive Special Judge Excise, Saran at Chapra.

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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