

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13807 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- SIKTI District- Araria

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1. Sarfaraz Khan @ Fagua Son of Mulhai Khan @ Ainuddin Khan @ Ainuddin R/o Village- Pararia Khan Tola Ward No.13, P.S.- Sikty, District- Araria
 2. Md. Quamrul Son of Md. Ramzan R/o Village- Barhat Ward no. 04, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are in custody in connection with
Sikty P.S Case No. 316 of 2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act, 2022.

3. As per prosecution case, total quantity of 43.2
litres of illicit Nepali wine was recovered from a motorcycle
bearing registration no.BR38J-4039 being ridden by the
petitioners.

4. Learned counsel for the petitioners submits that
petitioner has falsely been implicated in this case. It is further



submitted that no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner next submits that from the perusal of the seizure list, it appears that there is no any independence witness. The petitioners are in custody since 27.12.2023.

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

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail after framing of the charge on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria in connection with Sikty P.S Case No. 316 of 2023.

7. 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 the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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