

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13815 of 2024**

Arising Out of PS. Case No.-35 Year-2024 Thana- SARAIYA District- Muzaffarpur

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1. Jatin Kumar S/o Rajesh Kumar R/o Jahangirpuri, I-558, P.s. - Mahendra Park, Delhi
  2. Vijay Kumar Yadav S/o Sri Surat Yadav R/o vill - Mirchak, P.S - Bajitpur (Manigachhi), Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Suresh Kumar

For the Opposite Party/s : Mrs. Nirmala Kumari, APP (Inc.)

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**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 Saraiya P.S Case No. 35 of 2024 registered for the offences punishable under Sections 30(a), 32(2), 36, 41(1), 41(2) of Bihar Prohibition and Excise Act and Sections 272/273/34 of the IPC.

3. As per prosecution case, total 55.08 litres of illicit country liquor was recovered from a Volkswagen car bearing Registration no. DL3CBY-1179 wherein these two petitioners were found.

4. Learned counsel for the petitioners submits that



petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners next submits that the perusal of the seizure list reveals that there is no independent witness to the said seizure. The petitioners are in custody since 15.01.2024.

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 petitioner, 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) Court-II, Muzaffarpur in connection with Saraiya P.S Case No. 35 of 2024.

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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