

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16749 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Saroj Kumar Yadav @ Barak Yadav S/O Bajrangi Singh R/O Village- Bhagwatipur, P.S- Udawantnagar, Distt.- Bhojpur.
2. Vimlesh Kumar Yadav @ Bhadak Yadav S/O Kameshwar Yadav R/O Village- Bhagwatipur, P.S- Udawantnagar, Distt.- Bhojpur.
3. Sonu Kumar Yadav S/O Nand Kishor Singh R/O Village- Bhagwatipur, P.S- Udawantnagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection
with Udwanthnagar P.S Case No. 533 of 2023 registered
for the offences punishable under Sections 30(A) of
Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, total 104 litre illicit
liquor was recovered.

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. In similarly situated condition one of the co-accused have been granted bail by this Court *vide* order dated 05.03.2024 passed in Cr. Misc. No. 15010 of 2024. It is also submitted that petitioners are in judicial custody since 31.12.2023.

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

6. On perusal of the FIR, impugned order, claim based on parity 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court II Bhojpur, at Ara in connection with Udwantnagar P.S Case No. 533 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 they 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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