

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15752 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Ashok Kumar Son of Jay Kishun Singh Resident of Fathepur wala, Police
Station Musarigharari, District- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17556 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Kamlesh Kumar Singh @ Kamlesh Kumar S/O Ramvilash Singh R/O
Village- Phatepurwala, P.S- Musrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15752 of 2024)

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 17556 of 2024)

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

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 Musrigharari P.S Case No. 212 of 2023 registered

for the offences punishable under Sections 30(a), 32,



41(1) of Bihar Excise and Prohibition Act, 2022.

3. As per prosecution case, total 3510 litre illicit liquor was recovered from the tanker.

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. Petitioner are not arrested on the spot and they have no concerned with the said recovery. It is also submitted that petitioners are in judicial custody since 17.01.2024 and 23.12.2023 respectively.

5. However, learned APP for the State oppose 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) each with two sureties of the like amount



each to the satisfaction of learned Special Judge Excise
I, Samastipur in connection with Musrigharari P.S Case
No. 212 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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