

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13738 of 2024

Arising Out of PS. Case No.-1335 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. GAURAV KUMAR SON OF GANESH SAH RESIDENT OF VILLAGE - AMAPUR, P.S. - GHOGHA, DISTRICT - BHAGALPUR
2. DINESH MANDAL SON OF MAHESH MANDAL RESIDENT OF VILLAGE - AMAPUR, P.S. - GHOGHA, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, 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 Kahalgaon P.S Case No. 1335 of 2023 and Special Excise Case No. 5709/2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, total 50 litres of illicit country made wine was recovered from a motorcycle bearing Registration No. BR-10M-9326 being ridden by the petitioners.

4. Learned counsel for the petitioner 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. Leaned counsel for the petitioner next submits that from perusal of the seizure list, it appears that there was no independent witness at the time of making seizure. It is also submitted that the petitioners have no criminal antecedents as stated in para-3 of the present bail petition. They are in custody since 01.12.2023.

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) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Bhagalpur in connection with Kahalgaon (Rasalpur) P.S Case No. 1335 of 2023 and Special Excise Case No. 5709/23.

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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