

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16938 of 2024

Arising Out of PS. Case No.-798 Year-2023 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Sanjay Kumar Paswan Son of Surendra Paswan R/o Village- Ganj Bharasara, P.S.- Dinara, District- Rohtas
2. Vikash Singh Son of Ram Bachan Singh R/o Village- Baradhi, P.S.- Dinara, District- Rohtas
3. Dipu Kumar Son of Mukteshwar Rajak R/o Village- Baradhi, P.S.- Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate
For the Opposite Party/s : Mr.Madan 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 seek bail in connection with P.R. No. 798 of 2023 instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, petitioners were apprehended on the spot and from a car bearing registration No. JH10P7846, total 225 liters of country made liquor was recovered.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence. They have falsely been implicated in this case merely on suspicion. They have no concern with the alleged recovered liquor and car. Nothing incriminating article has been recovered from their conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioners are languishing in judicial custody since 26.11.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioners, this Court is inclined to enlarge the petitioners on bail, let the petitioners above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Kaimur at Bhabhua in connection with P.R. No. 798 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) 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 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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