

Arising Out of PS. Case No.-320 Year-2023 Thana- MAIRWAN District- Siwan

Arising Out of PS. Case No.-320 Year-2023 Thana- MAIRWAN District- Siwan

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Humayou Ahmad Khan

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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

ORAL ORDER

2 05-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Mairwa P.S. Case No.320 of 2023 registered for the offence under Section 30(a) and 41(i) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 351.195 litre of illicit liquor from a car bearing registration no. DL4CAH 9317.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case, where, petitioner no.1 is driver



and petitioner no.2 is co-driver of the said car. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioners rather the same was recovered from a car, where, the petitioners have no knowledge about the illegal consignment of the illicit liquor and they have no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is further submitted that petitioners are men of clean antecedent and they are in custody since 14.10.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Mairwa P.S. Case No.320 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.1, Siwan.

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 above named petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

S.Katyayan/-

U		T	
---	--	---	--

