

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19917 of 2024

Arising Out of PS. Case No.-1428 Year-2023 Thana- Excise P.S. District- Jamui

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1. Laltu Kumar S/o Late Prithvilal Mukhiya R/o vill - Sarhad Gadhi, P.s. - Shree Nagar, Distt. - Madhepura
 2. Nitish Kumar S/o Dilip Sah R/o vill - Gudiya Kumar Khand, P.s. - Kumar Khand, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Jee

For the Opposite Party/s : Mr.Madhuri Lata

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

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection
with Jamui Prohibition P.S Case No. JAM 1428 of 2023
registered for the offences punishable under Sections
30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, total 809.445 litre
illicit liquor was recovered.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case. It
is further submitted that no incriminating article has



been recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. Petitioners have no criminal antecedent as stated in para 3 of the bail petition It is also submitted that petitioner is in judicial custody since 09.11.2023.

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

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 petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Jamui in connection with Jamui Prohibition P.S Case No. JAM 1428 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 petitioner 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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