

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16853 of 2024

Arising Out of PS. Case No.-849 Year-2023 Thana- Excise P.S. District- Aurangabad

1. LACHHU AHIRWAL Son of Late Ram Das Ahirwal Resident of Village-Geramdauliya, P.S.-Naugaon, District-Chhatarpur (M.P.)
2. NITU RAM Son of Late Dhanpat Ram Resident of Village-Riwasa, P.S.-Mahendragarh, District-Mahendragarh (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, 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 Excise P.S. Case No. 849 of 2023 instituted for the offences punishable under Sections 30(a), 32(1), 32(3), 41(1) and 41(3) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot and from a truck bearing registration No. UP14K-9605, total 3546 liters of foreign liquor was recovered.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence.



Petitioner no.1 is driver and petitioner no.2 is cleaner of the said truck and both were falsely been implicated in this case. They have no concern with the alleged recovery. 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 have got no criminal antecedent and they are languishing in judicial custody since 09.11.2023.

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 Special Judge, Excise-II, Aurangabad in connection with Excise P.S. Case No.849 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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