

Arising Out of PS. Case No.-11 Year-2024 Thana- NAYAGAON District- Saran

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1. PRAVESH, MALE, AGED ABOUT 22 YEARS, SON OF AMARJU @ AMARJOO RESIDENT OF VILLAGE - DHURAT, P.S. - KOTNA, DISTRICT - JALAUN, STATE - UTTER PRADESH
2. AMAR SINGH, MALE, AGED ABOUT 30 YEARS, SON OF AWADH KUMAR RESIDENT OF VILLAGE - KUDARIYA, P.S. - KAILIYA, DISTRICT - JALAUN, STATE - UTTER PRADESH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Prakash

For the Opposite Party/s : **Mr.Sucheta Yadav**

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 19-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Nayagaon P.S. Case No.11 of 2024 registered for the offence under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 3016.08 litre of illicit liquor from a truck bearing registration no. UK06CB-7149.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioner have falsely been



implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from physical possession of the petitioner rather the same was recovered from a truck, where, petitioner no.1 is co-driver and petitioner no.2 is driver of the said truck, where, they have no knowledge about the illegal consignment of 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 16.01.2023.

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

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 Nayagaon P.S. Case No.11 of 2024 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 2nd Exclusive Special Excise Court, Saran at Chapra.

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.

8. That one of the bailors of the petitioners shall be close relative of the petitioners and learned Trial Court shall verify the same.

(Ramesh Chand Malviya, J)

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