

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20851 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Excise P.S. District- Buxar

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1. Mandeep Kumar S/O Ramesh Kumar R/O Village- Bure, P.S- Hisar, Distt.- Hisar (Haryana).
 2. Krishna Kumar @ Krishna Yadav S/O Randhir Yadav R/O Village- Haripur, P.S- Sonbarsha Kutcheri, Distt.- Saharsa (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Buxar Excise P.S. Case No. 10 of 2024 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot and from a truck bearing registration no. MH-48CB-7463 total 5059.800 liters of illicit foreign 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 due to high handedness of police. They have no concern with the alleged recovered liquor and truck. Petitioner no. 1 is driver and petitioner no.2 is co-driver of the alleged truck. 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. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 09.01.2024.

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

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioners as well as period of custody of the petitioners, let the above named petitioners 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 No.2, Buxar in connection with Buxar Excise P.S. Case No.10 of 2024.

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 that they shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

8. Further, the petitioners shall present each date before the trial Court till conclusion of the trial and if the petitioners shall not appear before the trial Court for two consecutive dates without any valid reason, the bail bonds of the petitioners shall be cancelled by the trial Court.

(Ramesh Chand Malviya, J)

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