

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17794 of 2024

Arising Out of PS. Case No.-954 Year-2023 Thana- Excise P.S. District- Nawada

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1. Amit Kumar Son Of Sunil Prasad Resident Of Village - Nabinagar, Ward No. 06, P.S. - Deep Nagar, District - Nalanda
 2. Nitish Kumar Son Of Ramanand Mahto Resident Of Village - Nabinagar, Ward No. 06, P.S. - Deep Nagar, District - Nalanda
 3. Nitish Kumar Son Of Santosh Prasad Resident Of Village - Nabinagar, Ward No. 13, P.S. - Deep Nagar, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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

ORAL ORDER

2 12-03-2024 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. 954 of 2023 instituted for the offences punishable
under Sections 30(a), 56(2)(ii) of Bihar Prohibition and Excise
Act.

3. As per the prosecution case, petitioners were
apprehended on the spot and from a Honda City car bearing
registration no. BR01FR-3665, total 67.500 liters of illicit 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 Car. Petitioner no.1 is driver of the said car and petitioner no. 2 and 3 were taking lift in the said car because they are co-villager of driver. 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 are languishing in judicial custody since 10.12.2023.

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

6. Considering the facts and circumstances of the case and submissions 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 Exclusive Special Excise Court-2, Nawada in connection with Excise P.S. Case No. 954 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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