

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17222 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- BHAIKAVSHTHAN District-
Madhubani

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1. Shankar Rai Son Of Late Singheshwar Rai Resident Of Village - Bahdwas,
P.S. - Mahuaa, District - Vaishali
 2. Kundan Kumar Son Of Lal Bahadur Rai Resident Of Village - Banveera,
P.S. - Rajapakar, District - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, 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
Bhairavshthan P.S. Case No. 163 of 2023 instituted for the
offences punishable under Sections 272 and 273 of the Indian
Penal Code and 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. BR01GB8061, total 306 liters of illicit foreign
liquor was recovered.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence. They falsely been implicated in this case due to dirty village politics. They have no concern with the alleged recovered liquor and truck. Petitioner no. 1 is driver and petitioner no.2 is cleaner of the said 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 21.12.2023.

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 Special Judge, Excise Act, Jhanjharpur, District-Madhubani in connection with Bhairavshthan P.S. Case No. 163 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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