

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18223 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- BARHARA District- Bhojpur

1. Nadim Ahmad @ Nadim son of Jamil Ahmad @ Mohammad Zameel
Resident of Village- Ajamgarh, P.S. Ajamgarh kota wali, District Ajamgarh,
Uttar Pradesh
2. Abhay Kumar @ Abhay son of Ramdash Village- Rauida Bhagawanpur
Thakuranj Ps- Dhoharighat Dist- Mau U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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

ORAL ORDER

2 13-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with
Barhara (Khawaspur O.P.) P.S. Case No.19 of 2024 registered
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per FIR, there is recovery of total
198.720 litre of illicit liquor from a swift car bearing Chasis
No.1500232811 and Engine No. 07E06A 008.

4. Learned counsel appearing on behalf of the
petitioners has submitted that petitioners have falsely been
implicated in the present case. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioners rather the same was recovered from a car. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are men of clean antecedent and they are in custody since 11.01.2024.

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 Barhara (Khawaspur O.P.) P.S. Case No.19 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 Exclusive Special Judge, Excise Court No.1, Bhojpur at Ara.

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.

(Ramesh Chand Malviya, J)

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