

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18606 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- KUTUMBA District- Aurangabad

1. Deependra Kumar, Male, Aged about 26 years, S/O Raj Kumar, R/O Village-Bhuniya, P.S.-Tirawa, District-Kannauj (U.P).
2. Vinay Kumar, Male, Aged about 24 years, S/O Anand Kumar @ Anand, R/O Village-Dharamgat Pur, P.S.-Tirawa, District-Kannauj (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 23-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kutumba P.S. Case No. 253 of 2023 instituted for the offences punishable under Sections 30(a), 32(i)(ii) and 41(i) of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot with a truck and from the said truck bearing registration no. RJ19GH6202, total 7992 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. They have no concern with the alleged recovered liquor and truck. Petitioner no.1 is Driver and petitioner no.2 is Khalasi 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 28.11.2023.

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

6. Perused the F.I.R., seizure list and impugned order dated 17.01.2024 and also 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-1st, Aurangabad in connection with Kutumba P.S. Case No. 253 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 furnishing bail bond with further condition that one of the bailors must be close relative of the petitioners and the petitioners have to present physically on each and every date before the Trial Court till conclusion of trial.

(Ramesh Chand Malviya, J)

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