

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18598 of 2024

Arising Out of PS. Case No.-724 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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1. Naresh Yadav, Male, aged about 60 years, Son of Late Bindeshwari Yadav.
 2. Nitish Kumar @ Nitish Yadav, Male, aged about 30 years, Son of Naresh Yadav. Both are Residents of Bela Rikabganj, Ward No.- 1, P.S. - K. Nagar, District – Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with K. Nagar PS Case No. 724 of 2023 instituted for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 172.410 liters of liquor has been recovered from the joint house of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case only on the basis of



suspicion. He further submits that the place of recovery is a joint house property and they have no concern with the seized liquor. It is submitted that nothing recovered for the conscious possession of the petitioners and they were not arrested at the spot. Petitioners are in custody since 11.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Judge (Excise-01), Purnea dated 15.02.2024, it appears that the recovery is from the joint house of the petitioners and they have no concern with the seized liquor, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named 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 Judge (Excise-01), Purnea in connection with K. Nagar PS Case No. 724 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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