

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18622 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Nitish Kumar S/o Ashok Kumar Mahto R/o vill - Sahpur Bhirha, P.s -
Rosera, Distt. - Samastipur
 2. Meghnath Ram S/o Nagina Ram R/o vill - Harpur Bhocha, ward no. 3, P.S. -
Bidyapati Nagar, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Namita Sharma, Advocate
Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, 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
Cheriya Bariyarpur P.S. Case No. 11 of 2024 instituted for the
offences punishable under Sections 420, 467, 468, 471 and
120B of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36
and 41(i) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1053 liters of
foreign liquor has been recovered from a Bagonor Car bearing
registration No. WB006C-4552.

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. They are neither the owner nor driver of the alleged car. 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 14.01.2024.

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 Judge Excise-1st, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 11 of 2024.

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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