

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18862 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Mukesh Kumar Son of Dwarika Sah Resident of vill.-Hariharpur, P.S.-Jadopur, Distt.-Gopalganj
2. Munna Sah Son of Hiralal Sah Resident of vill.-Hariharpur, P.S.-Jadopur, Distt.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan

For the Opposite Party/s : Mr.Abhay Kumar Roy

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

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection with Kuchaikote P.S Case No. 55 of 2024 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act 2022.

3. As per prosecution case, total 171 litre illicit liquor was recovered from the gunny bag.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has



been recovered from the conscious possession of the petitioners. On perusal of seizure list there is no independent witness. It is also submitted that petitioners is in judicial custody since 09.02.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail ***after framing of the charge*** on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge- IV, cum Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S Case No. 55 of 2024.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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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