

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21006 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- Excise P.S. District- Gopalganj

1. Santosh Kumar @ Santosh Jha S/o Lakhandev Jha @ Lavanadev Jha R/o vill - G.D. Colony, P.S. - Mayur Vihar 3, Distt. - East Delhi 96, At present (Permanent Address) - R/o vill - Nepul @ Naipur, P.S. - Bachhwada, Distt. - Begusarai, Bihar
2. Prabhakar @ Prabhakar Jha S/o Lakhandev Jha @ Lavanadev Jha R/o vill - G.D. Colony, P.S. - Mayur Vihar 3, Distt. - East Delhi 96, At present (Permanent Address) - R/o vill - Nepul @ Naipur, P.S. - Bachhwada, Distt. - Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection

with Excise P.S Case No. 96 of 2024 registered for the

offences punishable under Sections 30(a) of Bihar

Prohibition and Excise Act 2018.

3. As per prosecution case, total 109.500 litre

illicit liquor was recovered from the vehicle.

4. Learned counsel for the petitioners submits



that petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. On perusal of seizure list there is no independent witness. Petitioner has got no criminal antecedent as stated in para 3 of the bail petition. It is also submitted that petitioner is in judicial custody since 30.01.2024.

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

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 Additional District & Sessions Judge -IV -cum- Exclusive Special Excise Court No. II, Gopalganj in connection with Excise P.S



Case No. 96 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 he 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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