

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20516 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- DARIYAPUR District- Saran

1. Sonu Kumar Son Of Nagendra Rai Resident Of Village - Chotka Harna, P.S. - Dariyapur, District - Saran
2. Mukesh Kumar Son Of Vinay Rai Resident Of Village - Pojhi, P.S. - Derni, District - Saran
3. Shiv Dayal Rai Son Of Pulkar Rai @ Punyakal Rai Resident Of Village - Bajahiya, P.S. - Dariyapur, District - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Dariyapur P.S. Case No. 72 of 2024 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. As per the prosecution case, total 115 liters of
country made liquor has been recovered from the possession of
all the three petitioners.

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. 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 12.02.2024.

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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Dariyapur P.S. Case No.72 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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