

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21339 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- Excise P.S. District- Banka

1. Mantu Kumar Singh @ Mantu Singh, Male, aged about 45 years, son of Ashok Singh Village- Maheshkhunt Ps- Maheshkhunt Dist- Khagaria
2. Mukesh Yadav, Male, aged about 47 years, son of Ramlakhan Yadav Village- Maheshkhunt, Madarpur, Ps- Maheshkhunt Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 19-03-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioners seek bail in connection with Banka Excise P.S. Case No.72 of 2024 registered for the offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 1290.45 litre of illicit liquor from a pickup van bearing registration no. BR10G 9293.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioners rather the same was recovered from a pickup van and they have no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are men of clean antecedent and they are in custody since 12.02.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances and submissions made on behalf of the petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Banka Excise P.S. Case No.72 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-5th -cum-Special Judge Exclusive Excise-2, Banka.

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 above named petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners have to 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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