

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26344 of 2024**

Arising Out of PS. Case No.-528 Year-2023 Thana- PHULPARAS District- Madhubani

1. Md. Sirtaj Son Of Elkar @ Ilakat Ali Resident Of Village- Alampur, Ps-Kurebhar, Distt- Sultanpur , Up
2. Shahwaz @ Sahanwaz Son Of Akil Resident Of Village- Alampur, Ps-Kurebhar, Distt- Sultanpur , Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                           |
|--------------------------|---|-------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Gagan Deo Yadav, Advocate<br>Mr. Ravi Prakash, Advocate<br>Mr. Rajesh Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Pronoti Singh, APP                                                                    |

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

ORAL ORDER

2      08-04-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners seek bail in connection with Phulparas P.S. Case No. 528 of 2023 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot with a truck and from said truck bearing registration no. UP14LT0358, total 4383 liters of illicit foreign liquor was recovered.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Neither they have any any concern with the alleged recovered liquor nor vehicle in question belongs to them. Petitioner no.1 is driver and petitioner no.2 is cleaner-cum-co-driver of the said truck. 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. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 12.11.2023.

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 Court of Special Judge, Excise Act, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No. 528 of 2023.



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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