

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23076 of 2024

Arising Out of PS. Case No.-944 Year-2023 Thana- Excise P.S. District- Nawada

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1. Chandan Kumar SON OF SUKHDEV YADAV VILLAGE- NEWAJI BIGHA PS- MANPUR DISTRICT- NALANDA
 2. UDDU KUMAR SON OF SHRICHAND PASWAN VILLAGE- NEWAJI BIGHA PS- MANPUR DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 944 of 2023 instituted for the offences punishable under Sections 30(a) and 56(2)(ii) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot and from a Tata Indigo Car bearing registration no. JH05AL-2646, total 37.875 liters of illicit 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. They have no concern with the alleged recovered liquor and car. 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 05.12.2023.

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 Exclusive Special Excise Court-2, Nawada in connection with Excise P.S. Case No.944 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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