

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23920 of 2024

Arising Out of PS. Case No.-366 Year-2024 Thana- Excise P.S. District- Patna

1. DEEPU SAH S/O VIJAY SAH R/O VILLAGE- NURDIGANJ, P.S- MALSALAMI, DISTT.- PATNA.
2. AWDESH SINGH @ AVDHESH SINGH S/O LATE KAMLA SINGH R/O VILLAGE- EAST NANDGOLA, P.S- MALSALAMI, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek regular bail in connection with
Excise (Prohibition) P.S. Case No. 366 of 2024 registered for
the offence under Section 30(a), 32 & 56(b) of the Bihar
Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery



of total 34.560 liters of illicit liquor from the possession of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioners. He further submits that the petitioners have no criminal antecedent as stated in para 3 of the application and petitioners are in custody since 18.02.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of FIR and impugned order dated 01.03.2024 passed by learned Special Judge, Excise Third, Patna and seizure list, it appears that there is no independent witness of the seizure list. Considering the aforesaid facts and circumstances of the case, let the petitioners, abovenamed, 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 learned Special Judge, Excise - 3rd Patna in connection with Excise (Prohibition) P.S. Case No. 366 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 they shall be present physically on each and every date before the trial court till conclusion of proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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