

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23717 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- LAKHISARAI District- Lakhisarai

1. Nitish Kumar S/o Shyam Kishore Mandal @ Shyam Mandal R/o vill - Bhola Tola, ward no. 2, P.s. - Lakhisarai, Distt. - Lakhisarai
2. Amit Kumar @ Naga S/o Naresh Paswan R/o vill - Bhola Tola, ward no. 2, P.s. - Lakhisarai, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, 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
Lakhisarai P.S. Case No. 134 of 2024 registered for the offence
under Section 30(a), 32(3) of the Bihar Prohibition and Excise



Act.

3. As per allegation in the FIR, it is a case of recovery of total 40 liters of country made 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 and petitioners are in custody since 15.02.2024.

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

6. On perusal of FIR and impugned order dated 04.03.2024 passed by learned Additional and Sessions Judge 4th - cum - Special Excise Court No. 1, Lakhisarai 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 Additional District and Sessions Judge – IV – cum – Exclusive Special Excise, Court No. 1, Lakhisarai in connection with Lakhisarai P.S. Case No. 134 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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