

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25270 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- GOPALPUR District- Gopalganj

1. Mukesh Giri, Aged about 28 years, Male, Son of Manoj Giri, Resident of village- Bihjadi ,P.S.- Desari, District- Vaishali
2. Prakash Soni, Aged about 22 years, Male, Son of Ramesh Soni @ Ramesh Kumar, R/o Village and P.S.- Wisesarganj, Distt.- Bahraich (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer Jha, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Gopalpur P.S. Case No. 24 of 2024 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot with a Maruti Car and from the said car bearing registration No. DL3CBL-3428, total 127.200 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. They have no concern with the alleged recovered liquor and car. Nothing incriminating article has been recovered from their conscious possession. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 09.02.2024.

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 Additional District and Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj in connection with Gopalpur P.S. Case No. 24 of 2024.

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 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 trial.

(Ramesh Chand Malviya, J)

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