

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30800 of 2024

Arising Out of PS. Case No.-776 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

1. Sharvan Kumar son of Dhirendra Yadav @ Dhirendra Prasad Yadav Village- Arraha Mahua W.No- 12, Ps- Gailardh Dist- Madhepura
2. Shashi Kumar son of Lat Raghunandan Prasad Yadav Village- Arraha Mahua W.No- 12, Ps- Gailardh Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in a case registered for the offence under Section 30(a) and 32(2) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, it is a case of recovery of total 1557 liters of foreign liquor from the possession of the petitioners.

4. Learned counsel for the petitioners submits that the petitioner 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 there is no independent witness of the seizure list and petitioners are in custody since 21.12.2023.



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

6. Considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the petitioners, above named, 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 Exclusive Special Excise Court No. 1, Begusarai in connection with Nagar P.S. Case No. 776 of 2023.

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 trial of this case and if the petitioners remain absent on two consecutive dates without any cogent reason, the bail bonds of the petitioners shall be cancelled by the trial Court itself.

(Ramesh Chand Malviya, J)

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