

Arising Out of PS. Case No.-72 Year-2024 Thana- BRAHMPUR District- Buxar

Arising Out of PS. Case No.-72 Year-2024 Thana- BRAHMPUR District- Buxar

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 10-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Buxar P.S. Case No.72 of 2024 registered for the offence under Sections 419, 420 and 120B of the Indian Penal Code and Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 8407.515 litre of illicit liquor from a truck bearing registration no. MH18BG1924.

4. Learned counsel appearing on behalf of the



petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted petitioner no.1 is driver and petitioner no.2 is cleaner of the said truck. It is submitted that nothing has been recovered from the conscious physical possession of both the petitioners and they have no concern with the alleged recovery as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are in custody since 14.02.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances and submissions made on behalf of the petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Buxar P.S. Case No.72 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.2, Buxar, subject to the condition that one of the bailors of the petitioners shall be close relatives of the petitioners, which shall be verified by the learned trial court before accepting the bail bonds of the



petitioners.

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 above named petitioners shall be released on bail on furnishing bail bond with further condition that after release the petitioners have to present physically on each and every date before the Trial Court till conclusion of trial and if the petitioners would absent for two consecutive dates without any cogent reason, the bail bonds of the petitioners shall be cancelled by the learned trial court itself.

(Ramesh Chand Malviya, J)

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