

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27507 of 2024

Arising Out of PS. Case No.-479 Year-2023 Thana- BARHARIA District- Siwan

1. Mula Ram Son of Jeta Ram R/o- Ramdeo ka Mandir, Charar Madrup, P.S.- Ramsar, Dist.- Barmer, Rajasthan
2. Motilal Son of Chena Ram R/o Ramdeo Ka Mandir, Charar Madrup, P.S.- Ramsar, Dist.- Barmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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 Barhariya P.S. Case No.479 of 2023 registered for the offence under Sections 419, 420, 120B/34 of the Indian Penal Code 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 6670 litre of illicit liquor from a truck bearing registration no. HP62B 2056.

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 Khalasi 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 petitioner is a man of clean antecedent and he is in custody since 18.12.2023.

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 Barhariya P.S. Case No.479 of 2023 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 Exclusive Special Excise Court No.1, Siwan, Bihar, subject to the condition that one of the bailors of the petitioners shall be close relatives 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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