

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26918 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- Excise P.S. District- East Champaran

1. Satendra Ray S/o Jhakar Ray R/o vill - Belaghat, ward no. 01, P.S. - Sikarganj, Distt. - East Champaran
2. Vinod Kumar Ray S/o Lal Babu Ray R/o village Belaghat ward No.01 , P.S. sikarganj , District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Excise
P.S. Case No. 244 of 2024 instituted for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise (amended
up-to-date) Act.

3. As per the prosecution case, petitioner no. 1 was
apprehended on the spot with a motorcycle who disclosed the
name of petitioner no.2 as fled away person and from the said
motorcycle bearing registration no. BR22PF869, total 70 liters
of illicit 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 due to high handedness of police. They have no concern with the alleged recovery. Nothing incriminating article has been recovered from their conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Petitioner No. 1 and petitioner no.2 are languishing in judicial custody since 17.02.2024 and 18.02.2024 respectively.

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 Exclusive Special Excise Court No.02, East Champaran, Motihari in connection with Excise P.S. Case No. 244 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 above conditions and they shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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