

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28040 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- MUSRIGHRARI District- Samastipur

1. Kumod Kumar S/o Rajeshwer Yadav Resident of Village- Madhepura Ward No. 22, P.S.- Madhepura, District- Madhepura
2. Rajeet Kumar @ Ranjit Kumar S/o Ashok Yadav Resident of Village- Haridwar, P.S.- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection with Musrigharari P.S Case No. 22 of 2024 registered for the offences punishable under Sections 30(a), 32, 41 (1) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, total 3478 litre illicit liquor was recovered from the truck.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has



been recovered from the conscious possession of the petitioners. On perusal of seizure list there is no independent witness. Petitioners have got no criminal antecedent as stated in para 3 of the bail petition. It is also submitted that petitioners are in judicial custody since 12.02.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail *after framing of the 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 Special Judge, Excise-1st, Samastipur in connection with Musrigharari P.S Case No. 22 of 2024.

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 the proceeding of framing of charge. Further, Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the trial Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bonds and also one of the bailors shall be the close relative of the petitioners and petitioners shall file an affidavit with regard to the relationship between them.

(Ramesh Chand Malviya, J)

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