

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28554 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- NARPATGANJ District- Araria

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1. Alok Kumar (Male), Aged about 24 years, S/O Ranjan Kumar Singh, R/O Village- Dhankaul, Ward No. 09, P.S- Patepur, Distt.- Vaishali.
 2. Sanjeeb Kumar @ Sanjeev Kumar Ray (Male), Aged about 26 years, S/O Late Munshi Rai, R/O Village- Mandaidih, Ward No. 12, P.S- Patepur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Narpatganj P.S. Case No. 122 of 2024 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act (Amended).

3. As per the prosecution case, both the petitioner were apprehended on the spot with a Swift Dezire Car and from the said car bearing registration no. BR06CL 6385, total 60 liters of illicit beer 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 recovered beer and car. Petitioner no. 1 is alleged to be driver of the said car and petitioner no.2 was sitting in the said car. 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. They are languishing in judicial custody since 01.03.2024.

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 Judge, Excise-I, Araria in connection with Narpatganj P.S. Case No. 122 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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