

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27800 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- Excise P.S. District- Buxar

1. Pintu Kumar Ram, Aged about 24 years old (Male), Son of Sri Nami Ram @ Jamuna Ram Village- Dasiyawan Dakshin Tola P.S.- Nawanagar Dist- Buxar
2. Kismat Kumar, Aged about 24 years old (Male), Son of Ramasrya Singh Village- Kerath P.S.- Nawanagar Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, 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 seek bail in connection with Dumraon Excise Thana P.S. Case No. 34 of 2024 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 17.28 liters of illicit liquor has been recovered from the possession of the petitioners.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have no concern with the alleged recovery. 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 05.03.2024.

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 Special Excise Court-2, Buxar in connection with Dumraon Excise P.S. Case No. 34 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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