

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28320 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- KOTWA District- East Champaran

1. Jitendra Singh, Male, aged about 30 years, Son of Satnam Singh Resident of Village- Chakamrit Sariya, P.S.- Samana, Dist.- Patiyala (Punjab)
2. Labhprit Singh, Male, aged about 28 years, Son of Surendra Singh Resident of village- Fatehgadh, P.S.- Samana, Dist.- Patiyala (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Kotwa P.S. Case No.44 of 2024 registered for the offence under Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 536.25 litre of illicit liquor from a truck bearing registration no. PB11CB1495.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioners and they have no concern with the alleged recovery of illicit liquor, where, petitioner no.1 is driver and petitioner no.2 is khalasi. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are a man of clean antecedent and he is in custody since 18.02.2024.

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 Kotwa P.S. Case No.44 of 2024 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, East Champaran, Motihari subject to the condition that one of the bailors of the petitioner shall be close relative of the petitioners, which shall be verified by the learned trial court.

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 the petitioners have to 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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