

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29262 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- Excise P.S. District- Sheikhpura

1. Bablu Kumar, Male, aged about 24 years.
2. Kablu Kumar, Male, aged about 21 years.
Both are Son of Ramnandan Yadav, Resident of Mohalla- Chakdiwan, Ward No. 10, P.S. and District- Sheikhpura.
3. Mohit Kumar, aged about 27 years, son of Sukhdeo Yadav, Resident of Mohalla- Lalbagh, Ward No. 14, P.S. and District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sheikhpura Excise P.S. Case No. 131 of 2024 instituted for the offences punishable under Sections 30 (a), 32, 41 and 56 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 23 liters country made mahua liquor has been recovered as well as articles which are being used in preparing of liquor have also been recovered from an open place.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence and have falsely been implicated in this case by the local chowkidar. Petitioners have been made accused in the present case only on the basis that they were found sitting near the place from where the recovery has been made. He further submits that the recovery has been made for an open place. Petitioners have got no criminal antecedent as stated in para 3 of the petition and are in custody since 18.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Excise Judge, Sheikhpura dated 22.03.2024, it appears that the seized articles have been recovered from the open place, petitioners have got clean antecedent and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named 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 Judge, Sheikhpura in connection with Sheikhpura Excise P.S. Case No. 131 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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