

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29768 of 2024**

Arising Out of PS. Case No.-328 Year-2024 Thana- Excise P.S. District- East Champaran

1. Dharmendra Kumar, Male, aged about 26 years, S/o Mahesh Singh R/o vill - Tinkoniya ward no. 4, P.S. - Darpa, Distt. - East Champaran
2. Sonu Kumar, Male, aged about 24 years, S/o Manoj Singh R/o vill - Tinkoniya ward no. 4, P.S. - Darpa, Distt. - East Champaran

... .. Petitioner/s

Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App.84)

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

## ORAL ORDER

2 18-04-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioners seek bail in connection with Excise (Motihari) P.S. Case No.328 of 2024 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 103.500 litre of illicit liquor from possession of the petitioners.

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. 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 man of clean antecedent and they are in custody since 29.02.2024.

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 Excise (Motihari) P.S. Case No.328 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.2, East Champaran, Motihari.

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)**

S.Katyayan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

