

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31483 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- SABAUR District- Bhagalpur

1. Aarush Raj @ Aarun Raj @ Babu Saheb, Aged about 19 years, Male, Son of Subodh Yadav, Resident of village- Shekhpura, P.S- Udakishunganj , Dist- Madhepura
2. Pandav Kumar, Aged about 23 years, Male, Son of Jayprakash Sharma, Resident of Village- Paharpur Tola, Ward no- 10 , Barki Badhauna, P.S- Chausa, Dist- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sabour
P.S. Case No. 102 of 2024 instituted for the offences punishable
under Sections 30(a) and 45 of Bihar Prohibition and Excise
Act.

3. As per the prosecution case, total 36 liters of illicit
foreign liquor was recovered from Reynod Quid car bearing
registration no. BR01DJ 6198 in which petitioners and two
other were sitting.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence. They have falsely been implicated in this case by the police. They have no concern with the alleged recovered liquor and car. No any 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 17.03.2024.

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 Judge-II, Bhagalpur in connection with Sabour P.S. Case No.102 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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