

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31478 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- CHANDAN District- Banka

1. Sharwan Kumar, Aged about 25 years (Male), Son Of Ram Baran Ram, R/O Village- Govindpur, Police Station- Saraiya, District- Muzaffarpur
2. Vishal Kumar, Aged about 28 years (Male) Son Of Surendra Kumar R/O Vill.- Dhikakalla, P.S.- Saraswa, Dist.- Saharanpur, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Akbar Ali, 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 Chandan P.S. Case No. 38 of 2024 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, both the petitioners were apprehended on the spot and from the seized Ambulance bearing registration no. BR01PL-2058, total 477 liters of illicit foreign liquor was recovered.

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 recovered liquor and ambulance vehicle. Petitioner no.1 is driver and petitioner no. 2 is co-driver of the alleged vehicle. Nothing 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 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 Additional District and Sessions Judge-II, Banka in connection with Chandan P.S. Case No. 38 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 furnishing bail bond with further condition that one of the bailors must be close relative of the petitioners.

(Ramesh Chand Malviya, J)

lata/-

U		T	
---	--	---	--

