

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31348 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- MUSAHARI District- Muzaffarpur

1. Monu Kumar, Gender-Male, Aged about-24 years, Son of Raj Kumar, Resident of Village- Vijay Nagar, Bypass, P.S.- Vijaynagar, Dist-Ghaziabad, U.P.
2. Riya Kumari, Gender-Female, Aged about 22 years, Wife of Monu Kumar, Resident of Village- Vijay Nagar, Bypass, P.S.- Vijaynagar, Dist-Ghaziabad, U.P.
3. Radhey Pandit, Gender-Male, Aged about 36 years, Son of Birpal Pandit, Resident of Village- Vijay Nagar, Bypass, P.S.- Vijaynagar, Dist-Ghaziabad, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, 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
Mushahari P.S. Case No.69 of 2024 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act (Amended).

3. As per the prosecution case, all the petitioners were
apprehended on the spot and from a four wheeler vehicle Honda
City bearing registration no. DL8CL6358, total 84 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 due to dirty village politics. They have no concern with the alleged recovered liquor and 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 Exclusive Special Judge, Excise-III, Muzaffarpur in connection with Mushahari P.S. Case No. 69 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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