

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31820 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- MUFFASIL District- Aurangabad

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1. Arbind Kumar Thakur, aged about 25 years, Male Son of Baijnath Thakur, Resident of Village- Fatehpur, P.S.- Narpatganj, District- Araria.
 2. Ravi Kumar, aged about 27 years, Male Son of Suresh Rai, Resident of Village- Digha, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, 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 Muffasil P.S. Case No. 74 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 263.75 liters of foreign liquor has been recovered from the Mahindra XUV 500 bearing Registration No. JH12C-0025.

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. Petitioners have been named in the FIR. Petitioner no. 1 is the driver of the said vehicle and petitioner no. 2 is sitting on the vehicle. Petitioners are not the owner of the said vehicle and they are not aware of



that about the illegal foreign liquor. Petitioners have got no criminal antecedent as stated in para 3 of the petition is in custody since 24.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Judge, Excise-1st Aurangabad, Bihar dated 03.04.2024, it appears that the seized articles have been recovered from the Mahindra XUV 500 bearing Registration No. JH12C-0025 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 Special Judge Excise-01, Aurangabad in connection with Muffasil P.S. Case No. 74 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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