

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34708 of 2024**

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

1. Shankar Yadav Son Of Suresh Yadav Resident Of Village - Fulout, P.S. - Chousa, District - Madhepura
2. Pandav Kumar Son Of Bindeshwari Thakur Resident Of Village - Rampur Khoraganj, P.S. - Udakishanganj, District - Madhepura
3. Suman Kumar Son Of Late Manoj Yadav @ Manoj Resident Of Village - Badahi, P.S. - Udakishanganj, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

2      21-05-2024                      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 allegation in the FIR, it is a case of recovery of total 220 liters of foreign liquor.

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. 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. They are languishing in judicial custody since 17.03.2024. Similarly situated co-accused person have already been granted bail by this Court in Cr. Misc. No. 31483 of 2024 vide order dated 24.04.2024.

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 Excise Judge-II - cum - ADJ- XII, 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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