

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34727 of 2024

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

1. Nitish Kumar Son of Bechan Yadav Resident of Village- Barahi, P.S.-
Udakishunganj, Dist.- Madhepura
2. Gaurav Kumar Son of Lalu Yadav Resident of Village- Barahi, P.S.-
Udakishunganj, 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 : Ms. Nirmala Kumari, 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 the 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. 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. Similarly situated co-accused persons 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 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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