

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37872 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- BALIA BELON District- Katihar

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1. Ramsakal Mahto S/O Late Ramavtar Mahto R/O Village- Gosaipur, P.S.- Balrampur, Dist-Katihar
 2. Ful Kumar Yadav S/O Yagwati Yadav @ Yaagwali Yadav R/O Village- Pothimari, P.S.- Karandighi, Dist- Uttar Dinajpur(West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ziaul Quamar, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioner is in custody in connection with Balia Belone P.S Case No. 30 of 2024 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act 2016.

3. As per prosecution case, total 96.1 litre illicit liquor was recovered from the vehicle.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has been



recovered from the conscious possession of the petitioners. On perusal of seizure list there is no independent witness. It is also submitted that petitioners are in judicial custody since 03.03.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. On perusal of the FIR, impugned order and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. 1, Katihar in connection with Balia Belone P.S Case No. 30 of 2024.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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. Further, Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the trial court till conclusion of the trial and in his absence on two consecutive dates without any cogent reason will be sufficient to cancel his bail bonds.

(Ramesh Chand Malviya, J)

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