

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85630 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

Bablu Singh @ Bablu Kumar Singh, Aged about 23 Yeas, Male, S/o-
Ramayan Singh, R/o Thakurai Bairiya, P.S.- Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5246 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

Murat Kumar, Aged About 23 Years, Male, S/O Vidya Ram, R/O Village-
Masan Thana, P.S.- Yadopur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85630 of 2023)

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 5246 of 2024)

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

3 15-02-2024 Heard learned counsel for the petitioners, learned
counsel for the State and perused the case diary.

2. The petitioners are in custody in connection with
Mohammadpur P.S. Case No. 267 of 2023 registered for an
offence punishable under Sections 30(a), 41 and 48 of the Bihar
Prohibition and Excise Amendment Act, 2022.



3. As per allegation in the FIR, total 345.06 liters of illicit liquor from a Scorpio bearing registration no. BR28P1092 was recovered.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. Petitioner no.1 is a registered owner of the said vehicle and petitioner no.2 is a friend of petitioner no.1. He further submits that there is no recovery from the conscious possession of the petitioners. He further submits that similarly situated co-accused persons have already been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 805 of 2024. Petitioners are in judicial custody since 23.11.2023.

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

6. Considering the aforesaid facts and also considering that similarly situated co-accused persons have been granted regular bail by a Co-ordinate Bench of this passed passed in Cr. Misc. No. 805 of 2024, let the above named petitioners be released on bail ***after framing of charge*** on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj in connection



with Mohammadpur P.S. Case No. 267 of 2023.

7. The learned 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 framed, then the petitioners shall be present physically on each and every date before the trial Court till conclusion of the proceedings.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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