

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10027 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Shashi Kumar S/o- Fuldev Rai Resident of village- Mahuali. p.s.- Ghorashan, District- East Champaran , Motihari
2. Rahul kumar @ Aniket Kumar S/O Subash singh @ Subhash Singh resident of village- Vijai podadiya, p.s.- Ghorashan , District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Ashish, Adv.
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioners are in custody in connection with Chiraiya P.S Case No. 434 of 2023 registered for the offences punishable under Sections 414, 272, 273 of the I.P.C and Section 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018

3. As per allegation in the FIR, total 108 litre of illicit liquor and a motorcycle were recovered.

4. Learned counsel for the petitioners submits



that petitioners have falsely been implicated in this case. He further submits that nothing was recovered from the conscious possession of the petitioners. On perusal of seizure list no independent witness is there. It is also submitted that petitioners are in judicial custody since 18.09.2023.

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

6. On perusal of the FIR, impugned order and period of custody 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 Excise, Judge Court No. 1, Civil Court, East Champaran, Motihari in connection with Chiraiya P.S Case No. 434 of 2023.

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 he 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)

Mayank/-

U		T	
---	--	---	--

