

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11837 of 2024

Arising Out of PS. Case No.-137 Year-2019 Thana- ANDHRAMATH District- Madhubani

1. MD. KUTUSH @ KUDUSH S/O MD. JAINUL R/O VILLAGE- BAUN TOL, P.S- LAUKAHI, DISTT.- MADHUBANI.
2. MD. JAMIL S/O MD. SULEMAN R/O VILLAGE- BAUN TOL, P.S- LAUKAHI, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seek bail in connection with Andhra Math P.S. Case No. 137 of 2019 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there is recovery of 945 litre of illicit liquor.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted that recovery of



alleged illicit liquor was not made from conscious physical possession of the petitioners rather the same was recovered from an open place, which is accessible to general public. It is further submitted that the petitioners have no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that similarly situated co-accused person has already been granted bail a learned co-ordinate Bench of this Court through Cr. Misc. 22290 of 2022 on 22.07.2022. It is further submitted that petitioners are in custody since 29.11.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Andhra Math P.S. Case No. 137 of 2019 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani.



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 above named petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners have to 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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