

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8115 of 2024

Arising Out of PS. Case No.-405 Year-2022 Thana- BAHERI District- Darbhanga

Mahesh Nayak Son of Ramchandra Nayak R/o vill - Pohaddi, P.s - Bahera,
Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Gulnar Begum

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

ORAL ORDER

2 13-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Baheri P.S. Case No.405 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 1577.88
litres of illicit liquor from different vehicles, like a Bolero, a
pickup van and a motorcycle.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that recovery of
alleged illicit liquor was not made from physical possession of
the petitioner rather the same was recovered from Bolero and



Pickup van. It is further submitted the petitioner has no concern with the alleged recovery of illicit liquor and the alleged motorcycle bearing Registration No.BR07AP-1177 belongs to this petitioner, from where, no recovery of alleged illicit liquor was made. It is further submitted that petitioner is in custody since 28.08.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Baheri P.S. Case No.405 of 2022 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, 1st Darbhanga.

7. However, 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.

(Ramesh Chand Malviya, J)

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