

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11299 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- GANGABRIDGE District- Vaishali

Pawan Mahto, Aged about 30 years, Male, Son of Parmeshwer Mahto,
Resident of vill.-Daulatpur, Devarya, P.S.-Sadar Hajipur, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikramadit, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 270 of 2023 instituted for the offences punishable under Sections 467, 468, 471, 420, 120(B)/34 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of Bihar Prohibition and Excise Act (Amended).

3. As per the prosecution case, petitioner was apprehend on the spot and from a Pick-up Van bearing registration No. BR31GB8935, total 981.360 liters of illicit liquor was recovered which was driven by the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. He has no concern with the alleged recovered liquor and vehicle. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 09.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise, Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 270 of 2023.

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 petitioner shall be released on bail on 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)

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