

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13003 of 2024**

Arising Out of PS. Case No.-3 Year-2024 Thana- MASHRAK District- Saran

Mukun Rai @ Mukund Ray Son of late Jitan Ray Resident of village-
Mashrakh Dakshin Tola, P.S.-Mashrakh, Distt.-Saran(Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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

ORAL ORDER

2 27-02-2024 Heard learned counsel appearing on behalf of the
parties.

2. The petitioner seeks bail in connection with Mashrakh
P.S. Case No. 03 of 2024, registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 100 litres of spirit
wine behind the house of the petitioner.

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 behind the house of the petitioner. It is
submitted that seizure list appears doubtful being not supported by
independent witnesses, rather by police personnels. It is further
submitted that petitioner is a man of clean antecedent as stated in



para 3 of the bail petition and he is in custody since 03.01.2024.

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 Mashrakh P.S. Case No. 03 of 2024, 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 Exclusive Excise Judge-2, Saran at Chapra.

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 petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner 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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