

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11193 of 2024

Arising Out of PS. Case No.-173 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Akhilesh Rai @ Malinga @ Akhilesh Kumar Son of Ram Chandra Rai
Resident of Village- Rasalpur, PS- Patori, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr.Rabindra Kumar

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

ORAL ORDER

2 22-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Patori (Mohanpur O.P.) P.S. Case No.173 of 2022, registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per FIR, there is recovery of 720.70 litres of English Wine from one silver colour Bolaro Van.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case and he has not been arrested on the spot. It is submitted that recovery of alleged illicit liquor was



not made from physical possession of the petitioner. It is further submitted that the petitioner has 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 petitioner has a criminal antecedent as stated in para 3 of the bail petition and he is in custody since 06.12.2023.

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 Patori (Mohanpur O.P.) P.S. Case No.173 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 Court No.02, Samastipur.

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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