

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11891 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. VINOD MAHTO S/O TUNTUN MAHTO R/O VILLAGE- KHOKSAHA, P.S- BIBHUTIPUR, DIST.- SAMASTIPUR.
2. RAHUL KUMAR S/O DEV NARAYAN MAHTO R/O VILLAGE- KHOKSAHA, P.S- BIBHUTIPUR, DIST.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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 Bibhutipur P.S. Case No.455 of 2023 registered for the offence under Sections 272, 273, 420/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 619.560 litre of illicit liquor from three different cars.

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 petitioners were arrested on spot, but signature of the petitioners not



appears on the seizure list as accused persons. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. 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 abundant place. It is further submitted that the petitioners have no concern with the alleged recovery of illicit liquor as well as place of recovery. It is further submitted that petitioners are in custody since 16.12.2023.

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 petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Bibhutipur P.S. Case No.455 of 2023 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 Exclusive Special Judge, Excise 1st 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 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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