

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12607 of 2024

Arising Out of PS. Case No.-172 Year-2022 Thana- MAHESHKHUNT District- Khagaria

Rakesh Vishwakarma @ Rakesh Bishwakarma Son of Late Dipak Bishwakarma Resident of Villgae- Tani, P.S.- Ita Nagar, District- Papunpare, Arunachal Pradesh and at present resident of Village- Jogi-bari @ Jogabari, P.S.- Gohpur, District- Sonitpur, State- Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Maheshkhunt P.S Case No. 172 of 2022 registered for the offences punishable under Sections 30(a)/ 32 (I), (ii)/ 41 of Bihar Prohibition and Excise Act, (Amended) 2018.

3. As per prosecution case, total 2500.260 litre illicit liquor was recovered from a truck.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It



is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is not named in FIR petitioner's name surfaced from the confessional statement of co-accused. It is also submitted that petitioner is in judicial custody since 05.01.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, 2nd, Khagariya in connection with Maheshkhunt P.S Case No. 172 of 2022.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within



a period of 15 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 the 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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