

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12059 of 2024**

Arising Out of PS. Case No.-131 Year-2023 Thana- DHANKUND District-
Banka

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MITHUN KUMAR RAY SON OF LATE FITKARI RAY R/O-BARI DIGHI, P.S.-
RANGA, DISTT.-SAHEBGANJ (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhankund P.S. Case No. 131 of 2023 registered for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the F.I.R. and seizure list, altogether
176.68 liters of foreign liquor has been recovered from the
car bearing registration No. DL 12CA 1049.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. and the



seizure list that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery of liquor has been made from the car bearing registration No. DL-12CA-1049 and the petitioner said to be the driver of the alleged vehicle. He further submits that the petitioner has no knowledge about the illicit liquor kept in the car and has no concern in any manner with the alleged recovery. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list as no independent witness has come forward to support the seizure. The petitioner is rotting in judicial custody since 26.11.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

7. Let the, above named, petitioner be released on bail, ***after framing of Charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District



and Sessions Judge-II, Banka in connection with Dhankund
P.S. Case No. 131 of 2023.

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