

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11441 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- KAMTAUL District- Darbhanga

Baiju Mahto, Male, aged about 38 years, Son Of Sukh Deo Mahto, R/O Village- Chak Tetaila, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Kamtaul P.S. Case No.-262 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation in the FIR, total 213 liters of Nepali Saufi liquor was recovered from a motorcycle bearing registration no.BR07AJ-3071.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in this and he has no concern with the alleged recovery and nothing has been recovered from the conscious possession of



the petitioner. He next submits that on perusal of seizure list there was no independent witness. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 20.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and alleged liquor has not been recovered from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail *after framing of the charge* in connection with Kamtaul P.S. Case No.262 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-Ist Excise Act, Darbhanga.

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)

Brajesh Kumar/-

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