

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15611 of 2024

Arising Out of PS. Case No.-39 Year-2021 Thana- ISUAPUR District- Saran

Arvind Mahto, aged about 30 years, Gender-Male, Son of Paras Mahto,
Resident of Village- Doila, P.S.- Isuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Isuapur
PS Case No. 39 of 2021 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, total 70 liters of illicit
liquor/spirit has been recovered from the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case on the basis of suspicion.
The name of the petitioner has been surfaced on the basis of co-
villagers due to political rivalry. Petitioner has not arrested at the
spot. Nothing has been recovered from the conscious possession
of the petitioner. Petitioner is in custody since 16.11.2023.

5. Learned APP opposes the prayer for bail.



6. From perusal of the FIR, seizure list, case diary and the impugned order of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra dated 30.01.2024, it appears that the alleged recovery is from an open place and not belongs to the petitioner and petitioner is not arrested at the spot, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Special Judge, Excise, Saran at Chapra in connection with Isuapur PS Case No. 39 of 2021.

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 petitioner shall be released on bail on 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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