

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14623 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- KHAIRA District- Saran

Lalan Mahto, Male, aged about 65 years, Son of Ram Raj, Resident of Village- Arwa Kothi, P.S.- Khaira (Nagra O.P.), District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mahua Khaira (Nagra) PS Case No. 442 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and the Excise Act, 2018

3. As per the prosecution case, total 100 liters of illicit countrymade liquor from a sack has been recovered.

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. He next submits that nothing incriminating articles have been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned



order of the learned 3rd Exclusive Special Excise Court, Saran at Chapra dated 24.01.2024, it appears that the there is no recovery from the possession of the petitioner and the seized liquor has been recovered from a sack. Petitioner is in custody since 21.11.2023, 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 IIIrd Exclusive Special Judge, Excise, Saran at Chapra in connection with Khaira (Nagra) PS Case No. 442 of 2023.

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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