

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14324 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- GURARU District- Gaya

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Mukesh Kumar Son of Surjan Yadav Resident of Village- Bhatbigha, P.S.-
Paraiya, Distrcit- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Zainul Abedin, APP

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

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Guraru
P.S. Case No. 04 of 2024 instituted for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

3. The prosecution case relates to recovery of 40 liters
country made mahua liquor from the possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He has no concern with
alleged recovery. The petitioner has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed
the prayer for bail.



6. From perusal of the F.I.R. and seizure list and impugned order dated 19.01.2024, it appears that total 40 liters country made mahua liquor from the possession of the petitioner but both seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is in custody since 13.01.2024, 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 Additional Sessions Judge-cum-Exclusive Special Excise Judge, Court No. 02, Gaya in connection with Guraru P.S. Case No. 04 of 2024.

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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