

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14210 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- KHIRHAR District- Madhubani

=====

Dharmendra Kumar Mahto, Sex-Male, age about 21 years, Son of Late Lakshman Mahto @ Lajhuman Mahto, Resident of Village- Sisoauni, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, 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 Khirhar PS Case No. 106 of 2023 instituted for the offences punishable under Sections, 272, 273, 414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 45 liters of illicit liquor has been recovered from a motorcycle.

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 further submits that petitioner has no any concerned with the alleged seized wine in



question or seized motorcycle. There is no independent witness of the seizure list. Nothing has 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani dated 23.01.2024, it appears that there is no recovery from the conscious possession of the petitioner and he has been falsely implicated in this case. There is no independent witness in the seizure list. Petitioner is in custody since 17.12.2023, 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 2nd Additional Sessions Judge-cum-special Judge, Excise Act, Madhubani in connection with Khirhar PS Case No. 106 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)

Anand Kr.

U		T	
---	--	---	--

