

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14514 of 2024

Arising Out of PS. Case No.-32 Year-2021 Thana- PARSA District- Saran

Mukesh Rai @ Mukesh Kumar, aged aboutd 35 years, Male, Son of Daroga Ray Resident of Village- Jafarabad, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, 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 Parsa PS Case No. 32of 2021 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and the Excise Act.

3. As per the prosecution case, 105, liters 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 the nothing incriminating articles have recovered from his conscious possession or from the house of the petitioner. Neither the petitioner was found on the place of occurrence nor he has



any knowledge about the same. He has been made accused only on the basis of confessional statement of co-accused.

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 23.01.2024, it appears that the alleged recovery is not from the conscious possession of the petitioner or from the house of the petitioner. Seizure list was prepared in presence of two independent witnesses. Petitioner is in custody since 15.11.2023, 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 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Parsa PS Case No. 32 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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