

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16846 of 2024

Arising Out of PS. Case No.-476 Year-2023 Thana- MIRGANJ District- Gopalganj

Anoop Mahto Son of Late Ram Raj Mahto Resident of Village- Badkagoan,
P.S. - Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Advocate

For the Opposite Party/s : Mr.Anita Kumari, APP

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

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mirganj P.S. Case No. 476 of 2023 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per the prosecution case, total 50.800 liters of
country made liquor has been recovered from the motorcycle.
Petitioner was apprehended on the spot while one other co-
accused managed to escape.

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 the



alleged recovery of liquor or with the alleged motorcycle rather the same belongs to co-accused Aashish Kumar. He is only the co-passenger of the said motorcycle. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 16.12.2023.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioner, this Court is inclined to enlarge the petitioner on bail, 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 District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Mirganj P.S. Case No. 476 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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