

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22367 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- MAHESHKHUNT District- Khagaria

RAHUL RAJ, MALE, AGED ABOUT 27 YEARS, SON OF YASWANT SAH @ JASWANT KUMAR SAH R/O-KHAJOORI CHAUK, AKHTIYARPUR, CHAKHALEDAD, P.S.-GHATAHO, DISTT.-SAMASTIPUR (BIHAR)

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Mahesh Khunt P.S. Case No.207 of 2023 registered for the offence under Sections 188, 420, 467, 468, 471/34 of the Indian Penal Code and Sections 30(a) 32(i)(ii) and 41 of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 4428.72 litre of illicit liquor from a tanker bearing registration no. UP16IT2642.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been



implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from a tanker, where, petitioner was a driver and he was no knowledge about the illegal consignment of illicit liquor. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 10.10.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Mahesh Khunt P.S. Case No.207 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise 2nd, Khagaria.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of trial and if the petitioner would absent for two consecutive dates without any cogent reason, the bail bonds of the petitioner shall be cancelled by the learned trial court itself.

(Ramesh Chand Malviya, J)

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