

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16922 of 2024

Arising Out of PS. Case No.-754 Year-2023 Thana- TAJPUR District- Samastipur

Sanjeev Mahto S/o Shankar Mahto Resident of Village-Bhusakaul, Ward No.-
05, P.S.-Pusa, District-Samsatipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, 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
Tajpur P.S. Case No. 754 of 2023 instituted for the offences
punishable under Sections 30(a), 41(2),(1) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, total 873 liters of
illicit liquor has been recovered from the Pick-up Van bearing
Registration No. JH10CQ-5061.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case due to local politics and
grudge. He has no concern with the alleged recovery or with



the alleged Pick-up Van. Petitioner has not named in the F.I.R. but due to confession of arrested person his name was implicated during course of investigation. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. Petitioner is languishing in judicial custody since 29.12.2023.

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 Special Judge (Excise)-02, Samastipur in connection with Tajpur P.S. Case No. 754 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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