

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17783 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- KATEYA District- Gopalganj

Mahesh Ram Son of Shiv Prasad Ram Resident of vill.-Kukura, P.S.-Sikarpur,
Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kateya
P.S. Case No. 539 of 2023 instituted for the offences punishable
under Sections 414 and 34 of the Indian Penal Code and
Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1287.720 liters of
foreign liquor was recovered from a Pick Up vehicle bearing
registration no. BR06GC-6497 and petitioner was apprehended
sitting in said Pick Up and two co-accused person sitting on
motorcycle were apprehended.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case by the police merely on



suspicion. He has no concern with the alleged recovered liquor, vehicles and other co-accused persons. Neither he is driver nor owner of the said seized Pick Up vehicle. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 26.12.2023.

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

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Sessions Judge-II-cum-Special Judge, Excise-1, Gopalganj in connection with Kateya P.S. Case No.539 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)

lata/-

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

