

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17821 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- Dehri Mufassil District- Rohtas

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Arun Mahato @ Arun Kumar S/o Dilip Mahto @ Mehta @ Jaldeep Singh R/o
Vill - Simra (Semra) Tola, P.S. - Dehri (Muffasil), Dist. - Rohtas At present
R/o Vill - Dahaur Durgapur, P.S. - Dehri (Muffasil), Dist. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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**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 Dehri
(Muffasil) P.S. Case No. 129 of 2023 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. The prosecution case relates to recovery of total 30
liters of country made mahua liquor from village Tendue
Dusadhi Bal.

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 his criminal
antecedents. He has no concern with the alleged recovery.



Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. His name has been dragged in this case on the basis of disclosure made by Mahal Chaukidar. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is languishing in judicial custody since 12.12.2023.

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 Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Dehri (Muffasil) P.S. Case No.129 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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