

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18029 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Excise P.S. District- Madhubani

Suresh Kumar Mahto S/o Mahindra Mahto R/o vill - Nawada, ward no. 3, P.S.
- Madhepura, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, 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 Jhanjharpur Excise P.S. Case No. 26 of 2024 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 90 liters of illicit liquor has been recovered from the straw house (Bhuskhar) of the petitioner in his presence.

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 dirty village politics. He has no concern with the alleged recovered liquor



or with the place of recovery. 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. He is languishing in judicial custody since 07.02.2024.

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 Court of Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Jhanjharpur Excise P.S. Case No.26 of 2024.

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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