

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22351 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- Excise P.S. District- Patna

1. Bechan Mahto, Male, aged about 57 years, S/o Late Chandradeep Mahto R/o Chokiya, P.S. - Gangabrij, Dist. - Vaishali
2. Pintu Mahto, Male, aged about 35 years, S/o Nanha Mahto R/o Chak Mohammad Chisti, P.S. - Gangabrij, Dist. - Vaishali
3. Chhotelal Mahto @ Chhotu Lal Mahto, Male, aged about 37 years, S/o Babulal Mahto R/o Aalapur, P.S. - Darihapul, Dist. - Chapra (Saran)
4. Devsharan Prasad, Male, aged about 42 years, S/o Late Shiv Narayan Prasad R/o House No. 124, Sai Gali Fulwari, P.S. - Budha Colony, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramjiban Prasad

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

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

2. The petitioners seek bail in connection with Excise P.S. Case No.174 of 2024 registered for the offence under Sections 30(a) & 56(b) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 250 litre of illicit distilled liquor from a boat of the petitioners.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have 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 petitioners and they have no concern with the alleged recovery of illicit liquor. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioners are men of clean antecedent and they are in custody since 04.02.2024.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioners, let all these petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Excise P.S. Case No.174 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise 3rd, Patna.

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 petitioners shall



be released on bail on furnishing bail bond with further condition that the petitioners have to 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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