

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22363 of 2024**

Arising Out of PS. Case No.-247 Year-2023 Thana- TARAIYA District- Saran

Mangal Rai, Male, aged about 42 years, S/o Ram Dahin Rai R/o Village -  
Agauthar Nanda, P.S. - Isuapur, District - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Shyam Bihari Singh

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

ORAL ORDER

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

2.              The petitioner seeks bail in connection with  
Taraiya P.S. Case No.247 of 2023 registered for the offence  
under Sections 272 and 273 of the Indian Penal Code and  
Sections 30(a), 32(i), (2) (3), 33, 38 and 41(2) of the Bihar  
Prohibition and Excise Act.

3.              As per FIR, there is recovery of 300 litre of  
illicit spirit from a tempo bearing registration no. BR01GG1823.

4.              Learned counsel appearing on behalf of the  
petitioner has submitted that petitioner has falsely been  
implicated in the present case, where, petitioner was not arrested  
on spot and his name surfaced on the basis of confessional



statement of other co-accused, namely, Ajay Kumar Manjhi. It is submitted that recovery of alleged illicit spirit/liquor was not made from conscious physical possession of the petitioner rather same was recovered from a tempo and he has no concern with the alleged recovery of illicit spirit/liquor as well as vehicle in question. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 02.08.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Taraiya P.S. Case No.247 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Exclusive Special Excise Judge, Saran at Chapra.

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 petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner 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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