

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22589 of 2024

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHAURAH District- Saran

Budhan Mahto @ Ranjit, aged aboutd 22 years, Male Son of Ramesh Mahto,
Resident of Village- Lalapur P.S.- Marhowrah District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate

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

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

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 738 of 2022 instituted for the offences
punishable under Sections 272 and 273 of the Indian Penal Code
and Sections 30(a), 41(1) of the Bihar Prohibition and Excise
Amendment Act.

3. As per the prosecution case, total 840 liters spirit
has been recovered from a bolero, pick-up and three
motorcycles have also been recovered from the place of
occurrence.

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



petitioner has no concerned and connection with the so called illicit liquor. Nothing has been recovered from the conscious possession of the petitioner. He next submits that the said bolero pick-up and three motorcycles does not belong to the petitioner. Petitioner is in custody since 17.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 2nd Exclusive Special Excise Court, Saran at Chapra dated 25.01.2024, it appears that there is recovery of 840 liters spirit from bolero, pick-up and three motorcycles. Petitioner is named in the FIR but not caught at the spot. There is no any independent witness of the seizure list. Similarly situated co-accused person namely Bhola Nut and Ajay Nut have been granted bail by this Court in Cr. Misc. No. 76500 of 2023 vide order dated 01.12.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Marhowrah P.S. Case No. 738 of 2022.

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)

Anand Kr.

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

