

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20368 of 2024

Arising Out of PS. Case No.-431 Year-2023 Thana- DALSINGHSARAI District- Samastipur

1. Rajesh Mahto S/O Late Makhan Mahto @ Late Makhanlal Mahto R/O Vill-Mustafapur, Ward No. 7, P.S. - Bibhutipur, Dist - Samastipur, Wrongly Mention In Fir As R/O Vill - Bulakipur, Ward No. 12, P.S. - Dalsingsarai, Dist. - Samastipur
2. Ranjan Mahto @ Adasrh Raj S/O Late Makhan Mahto @ Late Makhanlal Mahto R/O Vill-Mustafapur, Ward No. 7, P.S. - Bibhutipur, Dist - Samastipur, Wrongly Mention In Fir As R/O Vill - Bulakipur, Ward No. 12, P.S. - Dalsingsarai, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection

with Dalsingsarai P.S Case No. 431 of 2023 registered

for the offences punishable under Sections 30(a) of

Bihar Prohibition and Excise Act.

3. As per prosecution case, total 179.04 litre

illicit liquor was recovered from a vehicle and a

motorcycle.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioners. On perusal of seizure list there is no independent witness. It is also submitted that petitioners are in judicial custody since 28.01.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Samastipur in connection with Dalsingsarai P.S Case No. 431 of 2023.

7. The trial court is directed to conclude the



proceeding of framing of charge according to law within a period of 15 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 petitioners shall be released on bail on the above conditions and they 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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