

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21059 of 2024

Arising Out of PS. Case No.-405 Year-2022 Thana- BAHERI District- Darbhanga

Om Prakash @ Om Prakash Mahto S/o Kari Mahto R/o Vill - Madhutol, Ward
No. 10, P.S. - Khanpur, Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Reena Kumari

For the Opposite Party/s : Mr. Dashrath Mehta

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

ORAL ORDER

3 17-05-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Baheri P.S. Case No.405 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 1577.88
litres of illicit liquor from different vehicles, like a Bolero, a
pickup van and a motorcycle.

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 person, namely, Laxman Nayak.



It is submitted that recovery of alleged illicit liquor was not made from physical possession of the petitioner and has no concern with the alleged recovery of illicit liquor. It is submitted that similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No. 8115 of 2024 on 13.02.2024. It is further submitted that petitioner is in custody since 20.12.2023.

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 Baheri P.S. Case No.405 of 2022 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Darbhanga.

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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