

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22232 of 2024

Arising Out of PS. Case No.-641 Year-2023 Thana- HARSIDHI District- East Champaran

Shambhu Mahato S/O Kishan Mahto @ Kishun Mahato R/O Village- Ranjita
Babu Tola Ward No. 3, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kanhiya Kishor

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

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Harsidhi P.S Case No. 641 of 2023 registered for the offences punishable under Sections 272, 273, of the I.P.C and 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, total 300 litre illicit liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the



petitioner. Petitioner is not arrested on the spot. It is also submitted that petitioner is in judicial custody since 02.02.2024.

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

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 petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Motihari, East Champaran in connection with Harsidhi P.S Case No. 641 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 petitioner shall



be released on bail on the 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)

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