

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26195 of 2024

Arising Out of PS. Case No.-570 Year-2023 Thana- Excise P.S. District- Madhepura

Khokhan Mahto S/o- Bablu Mahto Village- Dhaknikay Champasari Siliguri
ward no 46 PS- Matigara Pardhannagar, Dist- Darjling W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Madhepura Excise P.S. Case No. 570 of 2023 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. Prosecution case related to recovery of 250.125
liters of illicit liquor from a vehicle and the petitioner was
arrested by the police on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. It is further submitted that
nothing incriminating has been recovered from the conscious



possession of the petitioner and he has no concern with the seized illicit liquor. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 06.10.2023. Similarly situated co-accused person, namely, Raj Kumar Yadav has already been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 83431 of 2023 vide order dated 04.01.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Considering the aforesaid facts and circumstances of the case, 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 learned Additional Sessions Judge – VII – cum – Special Judge, Excise – II, Madhepura in connection with Madhepura Excise P.S. Case No. 570 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 proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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