

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30001 of 2024

Arising Out of PS. Case No.-268 Year-2022 Thana- DIGHWARA District- Saran

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Dharmendra Mahto @ Kariman Mahto, Male, Aged about 25 years, Son of
Rajballabh Mahto @ Rajballam Mahto, Resident of Village- Shobhepur
Babhangama, P.S.- Nayagaon, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dighwara P.S. Case No. 268 of 2022 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act.

3. As per the prosecution case, total 135 liters of
illicit liquor has been recovered from the dune of sand made
in the middle of Ganga River in front of Kuraiya village.

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



has no concern with the alleged recovery. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is languishing in judicial custody since 20.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Dighwara P.S. Case No.268 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)

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