

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25005 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Manoj Kumar, Male, aged about 30 years, S/o Chhotelal Ram R/o vill -
Korlahiya Harinarain ward no. 3, P.S. - Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Madhindwara P.S Case No. 184 of 2023 registered for the
offences punishable under Sections 30(a) 32(i) 32(2) 36, 41(1)
41(2) of Bihar Prohibition and Excise Act.

3. As per prosecution case, total 1867.32 litre illicit
liquor was recovered from the truck.

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. On perusal of seizure
list there is no independent witness. It is submitted that similarly



situated co-accused person has already been granted bail by this Court through Cr. Misc. No.14898 of 2024 on 05.03.2024. It is also submitted that petitioner is in judicial custody since 24.12.2023.

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 Judge, Excise Court-1, Sitamarhi in connection with Madhindwara P.S Case No. 184 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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