

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26291 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- KHIRHAR District- Madhubani

Md. Ibrahim, Male, aged about 20 years, S/o- Md. Nathuni Village- Umgaon
Ps- Harlakhi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

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 seeks bail in connection with
Khirhar PS Case No. 106 of 2023 instituted for the offences
punishable under Sections, 272, 273, 414/34 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibition and Excise
Act.

3. As per the prosecution case, total 45 liters of illicit
liquor has been recovered from a motorcycle.

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



petitioner has no any concerned with the alleged seized wine in question or seized motorcycle. Similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No.14210 of 2024 on 29.02.2024. There is no independent witness of the seizure list. Nothing has been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani dated 23.01.2024, it appears that there is no recovery from the conscious possession of the petitioner and he has been falsely implicated in this case. There is no independent witness in the seizure list. Petitioner is in custody since 17.12.2023, accordingly the prayer for bail of the petitioner is allowed. 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 the learned 2nd Additional Sessions Judge-cum-special Judge, Excise Act, Madhubani in connection with Khirhar PS Case No. 106 of 2023.

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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