

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34227 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- BIHIA District- Bhojpur

Mithilesh Kumar @ Raju Kumar @ Mithlesh Kumar SON OF MUNSI
PRASAD Village-Dayalpur, P.S.-Hilsa, DIST-NALANDA(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in a case registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of total 454 liters of illicit foreign liquor from the inside of the pick up van bearing registration No. BR01GL - 0534 and from possession of other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner. He further submits that there is no independent witness of the seizure list. Petitioner is in custody since 30.03.2024. Similarly situated co-accused persons have already been granted bail by this Court in Cr. Misc. No. 18423 of 2024



vide order dated 13.03.2024 and in Cr. Misc. No. 20073 of 2024
vide order dated 15.03.2024.

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

6. Considering the aforesaid facts and circumstances of
the case and submissions made on behalf of the petitioner, 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 Exclusive Special Court of Excise - 1, Bhojpur in
connection with Bihiya P.S. Case No. 19 of 2024.

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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