

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35148 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- JANTA BAZAR District- Saran

Mukesh Choudhary, aged about 32 years, Male, Son of Late Kedar Choudhary, resident of Village- Sobhipur, P.S. - Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-05-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Janta Bazar P.S. Case No.15 of 2024 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 45 litre of illicit liquor from bush situated at backside of the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from



behind of the house of the petitioner. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor as well as place of recovery. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. Similarly situated co-accused person has already been granted bail by this Court vide order dated 28.03.2024 passed in Cr. Misc No. 24617 of 2024. It is further submitted that petitioner is in custody since 07.04.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Janta Bazar P.S. Case No.15 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Nilmani/-

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