

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36928 of 2024

Arising Out of PS. Case No.-491 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Mithilesh Mukhiya @ Mithilesh Sahani Son of Gudri Mukhiya Resident of Village - Korahiya, P.S. - Jaynagar, District - Madhubani.
2. Khanna Mukhiya @ Khanna Sahani @ Rajesh Khanna Mukhiya Son of Gudri Mukhiya Resident of Village - Korahiya, P.S. - Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

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

2. The petitioners is in custody in connection with Jaynagar P.S Case No. 491 of 2023 registered for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, total 1097.64 litre illicit liquor was recovered from the 5 motorcycle and 1 scooty.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioners. On perusal of seizure list there is no independent witness. He further submits that the similar situated co-accused persons have already granted bail by this Court as well as different learned coordinate Benches of this Court vide orders dated 19.03.2024 passed in Cr. Misc. No. 21103 of 2024, 02.04.2024 passed in Cr. Misc. No. 24580 of 2024 and 22.03.2024 passed in Cr. Misc. No. 20132 of 2024. He further submits that the petitioners is in judicial custody since 02.03.2024.

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 petitioners, let the above named



petitioners 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 Addl. Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Jaynagar P.S Case No. 491 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 petitioners 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)

vinayak/-

U		T	
---	--	---	--

