

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38373 of 2024

Arising Out of PS. Case No.-641 Year-2023 Thana- HARSIDHI District- East Champaran

Bullet Kumar @ Bulet Kumar Son Of Vinod Mahto @ Binod Mahto Resident
Of Village - Ranjeeta, P.S. - Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 641 of 2023 instituted for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 300 liters of Nepalese liquor has been recovered.

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. There is general and omnibus allegation against this petitioner. There is no any



independent witness of the place of occurrence. The illicit liquor was seized neither from the conscious possession of the petitioner nor from his house. Petitioner is in custody since 11.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Excise Judge-1, East Champaran, Motihari dated 25.04.2024, it appears that while searching behind the house of co-accused Shambhu Mahto, four persons were seen hiding liquor in straw kept in open field. On seeing the police team, all four persons including the petitioner managed to escape from the place of occurrence. From perusal of the records, it also appears that the liquor has been recovered from the house of co-accused and the petitioner along with other co-accused managed to escape from the place of occurrence. Similarly situated co-accused persons namely, Shambhu Mahato has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 22232 of 2024 vide order dated 20.03.2024, 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 Exclusive Special Excise Judge-1, Civil Court, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 641 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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