

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38385 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- BIBHUTIPUR District- Samastipur

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Tinu Kumar Son of Ramashish Mahto Resident of village - Mahmampur
Sakra, Police Station - Bibhutipur, District - Samastipur Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 23-05-2024 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 43.200 liters of

illicit foreign liquor from white coloured alto car bearing

registration No. BR 44C 7689.

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 petitioner has no criminal

antecedent as stated in para 3 of the bail petition. He further

submits that there is no independent witness of the seizure list

and the petitioner is in custody since 12.04.2024.



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 Court of learned Special Judge Excise - I, Samastipur in connection with Bibhutipur P.S. Case No. 115 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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