

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48031 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- DARPA District- East Champaran

Akhilesh Mukhiya, aged about 25 years, Male Son of Mangal Mukhiya,
Resident of Village- Tinkoni, P.S.- Darpa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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

ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Darpa P.S Case No. 144 of 2023 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act, 2018.

3. As per allegation in the F.I.R, total 187.5 litres of illegal Nepali Kasturi liquor was recovered from the bags.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submit that nothing has been recovered from the conscious possession of the petitioner and there is no any independent witness of the seizure list. Petitioner has been implicated in this



only on the basis of confessional statement of co-accused Guddu Singh and Prduman Kumar, who has been granted bail by this Court. Petition is in judicial custody since 23.04.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Court No. 2, East Champaran at Motihari dated 27.05.2024, it appears that the petitioner has been made accused only on the basis of confessional statement of co-accused Guddu Singh and Praduman Kumar. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused person namely Guddu Singh and Praduman Kumar has been granted bail by this Court in Cr. Misc. No. 7979 of 2024 vide order dated 12.02.2024, let the above named petitioner 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 Exclusive Special, Excise Court No.2, East Champaran, Motihari in the connection with Darpa P.S Case No. 144 of 2023.

7. However, the trial court is directed to conclude the proceeding of *framing of charge* according to law within a



period of fifteen days from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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