

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73502 of 2024

Arising Out of PS. Case No.-26 Year-2022 Thana- CHANAN District- Lakhisarai

Mahesh Kora Son of Baldev Kora Resident of Village - Banskund, P.S. -
Chanan, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Chanan P.S. Case no.26 of 2022 registered under section 30(a), (b) and (c) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant states that on a raid being conducted, while the accused managed to escape, 160 litres of country made mahua liquor and 2500 litres of Jawa mahua solution was found. Ten *liquor bhatthi* meant for manufacture of country liquor was destroyed. The petitioner, who was present at the place of occurrence, managed to escape.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He was not arrested at the place of occurrence nor any incriminating article



recovered from his possession. He is in custody since 23.9.2023. It is submitted that the earlier prayer for bail of the petitioner was rejected vide order dated 18.1.2024 passed in Cr. Misc. no.1088 of 2024 giving liberty to the petitioner to renew his prayer for bail after completing one year in custody or on framing of charge, whichever is later. The petitioner has remained in custody for more than one year and trial has commenced in the learned Court below.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 17.10.2024, charges were framed in the learned trial Court on 17.5.2024 and though summons have been issued against the chargesheet witnesses, no witness has been produced or examined so far.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR, the petitioner not having been arrested at the spot, the observation given in the earlier order of rejection dated 18.1.2024, the petitioner having remained in custody for more than 1 year since 23.9.2023 and charges have been framed in the learned trial Court, the Court directs the petitioner to be



enlarged on bail in connection with Chanan P.S. Case no.26 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned I/C Additional Sessions Judge IV-cum-Exclusive Special Excise Court No.1, Lakhisarai.

(Partha Sarthy, J)

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