

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1307 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- JOKIHAT District- Araria

1. MITHILESH KUMAR SON OF SHIV CHARAN BISHWAS RESIDENT OF VILLAGE - CHAKAI, WARD NO.1, POLICE STATION - JOKIHAT, DISTRICT - ARARIA
2. MAHTAB SON OF GAYAS RESIDENT OF VILLAGE - UDA, WARD NO.07, POLICE STATION - MAHALGAON, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 06-03-2024 From perusal of office report, report as regard to criminal antecedents of this petitioner has not yet been received, where, learned counsel for the petitioners requests to hear the matter.

2. Heard learned counsel appearing on behalf of the parties.

3. The petitioners seek bail in connection with Jokihat P.S. Case No.477 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per FIR, there is recovery of 235.560 litre of illicit liquor from a pickup van bearing Engine No. TTP1F31795 and Chasis No. RA2TTKPIF55964.



5. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case, where, petitioner no.1 is cleaner and petitioner no.2 is driver of the said vehicle. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioners rather the same was recovered from a pickup van. It is further submitted that the petitioners have no concern with the alleged recovery of illicit liquor as well as vehicle in question as they were no knowledge about the illegal consignment of the illicit liquor. It is further submitted that petitioners are in custody since 14.10.2023.

6. Learned APP appearing for the State, opposes the prayer for bail of the petitioners.

7. Considering the facts and circumstances and submissions made on behalf of the petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Jokihat P.S. Case No.477 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Araria.

8. 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 above named petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge. Further, learned trial court is directed to verify the criminal antecedents of both the petitioners, but verification of criminal antecedent shall not be hurdle of furnishing bail bonds.

(Ramesh Chand Malviya, J)

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