

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7598 of 2025

Arising Out of PS. Case No.-884 Year-2024 Thana- Excise P.S. District- Nawada

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Rajendra Mahto S/O Nanhku Mahto R/o Hathua Dharan, P.S.- Tilaiya, Distt.-
Koderma, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
Nawada P.S. Case No. 884 of 2024 instituted for the offences
under Sections 30(a), 47 of the Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, the police has recovered
total 80 liters of illicit country-made liquor from the
motorcycles bearing Regd. No. JH2N5185.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is the owner of the motorcycle, in question. He



further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the recovered illicit liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no one criminal antecedent in which he is on bail and is languishing in judicial custody since 17.12.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that several co-accused persons have been granted bail by this Court vide orders dated 28.01.2025 and 29.01.2025 passed in Cr. Misc. Nos. 3105 of 2025 and 3383 of 2025 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise Nawada P.S. Case No. 884 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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