

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15376 of 2025

Arising Out of PS. Case No.-193 Year-2021 Thana- BAHADURPUR District- Patna

1. Pappu Mahto @ Pappu Kumar Son of Bali Mahto Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali
2. Ashok Rai Son of Jageshwar Rai Resident of Village - Kaymasikoh, P.S. - Chowk, District - Patna
3. Jawahar Rai Son of Munnak Rai Resident of Village - Kaymasikoh, P.S. - Chowk, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-03-2025 Heard Mr. Jay Ram Prasad, learned counsel for the

petitioners and Mr. Lakshmi Kant Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bahadurpur P.S. Case No. 193 of 2021, F.I.R. dated 16.08.2021 for the offences punishable under Section 30 (a) of Bihar Prohibition & Excise Amendment Act-2018.

3. According to prosecution case, altogether 170 liters of country made illegal liquor was recovered from two scooty bearing Registration No. BR01EU6997 and BR01DU5449.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been



implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the F.I.R as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle (scooty) in question. In fact, petitioners name transpired on discloser by apprehended person namely Kanchan Kumar and he is the brother-in-law (*sala*) of petitioner nos. 2 and 3.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the conscious possession of petitioners and their name transpired on the basis of disclosure made by co-accused person, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City in connection with Bahadurpur P.S. Case No. 193 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section



482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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