

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14092 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- BETTIAH CITY District- West
Champaran

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Chandeshwar Mahto Son of Chati Mahto @ Chhati Mahto Resident of
Village- Dabariya, P.s.- Nautan, Distt.- West Champaran, presently residing at
Village- Nauniya Tola, Ward No. 23, Police Station- Bettiah Town, District-
west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the State : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Bettiah
Town PS. Case No. 34 of 2025 dated 01.02.2025, registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 2.880 liter illicit liquor has been
recovered from road side.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the place of recovery is open



space, accessible to public. He further submits that there is no recovery from the conscious possession of the petitioner nor he is any way connected with the recovered contraband. He also submits that the name of the petitioner has been dragged in this case only on the basis of suspicion without any cogent evidence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-I, West Champaran at Bettiah, in connection with Bettiah Town P. S.



Case No. 34 of 2025, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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