

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15528 of 2025

Arising Out of PS. Case No.-490 Year-2024 Thana- MAHARAJGANJ District- Siwan

1. Rajesh Mahto @ Rajesh Kumar Mahto S/O Lalan Mahto Resident of Village- Purani Bazar, Noniadih, P.S- Maharajganj, Distt.- Siwan.
2. Dashrath Mahto @ Dashrath Kumar S/O Late Channu Mahto Resident of Village- Purani Bazar, Noniadih, P.S- Maharajganj, Distt.- Siwan.
3. Ranjan Kumar S/O Gobardhan Mahto Resident of Village- Purani Bazar, Noniadih, P.S- Maharajganj, Distt.- Siwan.
4. Sagar Kumar S/O Rajesh Mahto @ Rajesh Kumar Mahto Resident of Village- Purani Bazar, Noniadih, P.S- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-04-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Maharajganj P.S. Case No. 490 of 2024 registered on 19.01.2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution, total recovery of 29 liters country made liquor, is the subject matter of the present case.

4. It is submitted by the learned counsel for the petitioners that the petitioners are innocent and have committed no offence. The alleged recovery has not been made from the



possession of the petitioners rather it has been made from a *jalkar* which is an open place and does not belong to the petitioners. Petitioner nos. 1, 2 and 4 are accused in one another case whereas the antecedents of petitioner no. 3 are clean.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioner nos. 1, 2 and 4 are accused in one another case of similar nature.

6. Considering the fact that the antecedent of petitioner no.3 is clean, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Excise Court No.1, Siwan in connection with Maharajganj P.S. Case No. 490 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the fact that petitioner nos. 1, 2 and 4 are accused in one another case of similar nature, this Court is not inclined to grant bail to them. Accordingly, their prayer for bail is hereby rejected.

(Dr. Anshuman, J)

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