

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18950 of 2025

Arising Out of PS. Case No.-402 Year-2023 Thana- Excise P.S. District- Samastipur

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Dharmendra Mahto @ Dharmendra Kumar Son of Late Ram Chandra Mahto
Resident of village -Tedha Milki Ward No 12 PS- Khanpur District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Samastipur Sadar Excise P.S. Case No. 402 of 2023, instituted
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 91.530 liters
liquor was recovered from the front of the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner also submits that the alleged recovery has been made from an open place which does not belong to the petitioner and the same is easily accessible to public at large. The petitioner is in custody since 25.01.2025 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Samastipur Sadar Excise P.S. Case No. 402 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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