

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23562 of 2025

Arising Out of PS. Case No.-746 Year-2023 Thana- MADHAURAH District- Saran

1. Bijendra Mahto Son of Hira Lal Mahto Resident of Village- Piarpurva, P.s.- Marhowrah, Distt.- Saran at Chapra
2. Sudhir Mahto Son of Late Jaylal Mahto Resident of Village- Piarpurva, P.s.- Marhowrah, Distt.- Saran at Chapra
3. Bikram Mahto Son of Shukaran Mahto Resident of Village- Piarpurva, P.s.- Marhowrah, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Marhowrah P.S. Case No. 746 of 2023 lodged on 03.12.2023, for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 332, 333, 307 & 353 of the Indian Penal Code read with section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against 30 named accused persons (including the present petitioners). Total recovery of 75 litres of illicit liquor has been made which



is the subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the alleged recovery of liquor has been made from the bush in a white plastic bag which does not belong to the petitioners and is accessible to the public at large and nothing has been recovered from the petitioners' possession. Counsel submits that the name of petitioners has been figured in this case only by virtue of the secret information. Counsel further submits that the criminal antecedent of petitioner no.1 is clean but, criminal antecedent of petitioner nos.2 and 3 are not clean as there is one case each pending against them.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. As such, considering the aforesaid fact that huge number of persons have been made accused in this case, let the above named petitioners be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Marhowrah



P.S. Case No. 746 of 2023, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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