

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20588 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- BARGAINIA District- Sitamarhi

Shambhu Mahto S/O Asharfi Mahto R/O Village- Masha Alam, Ward No.-03,
P.S- Bairgania, Distt.- Sitamarhi. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel appearing on behalf of
the petitioner and learned Additional Public Prosecutor
appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.
and apprehending his arrest in connection with
Bairgania P.S. Case No. 04 of 2025, registered for the
offences punishable under Section 30(a)(c) of the Bihar
Prohibition and Excise Act.

3. The allegation against the petitioner is to
be engaged in illegal trading/manufacturing of illicit
liquor, where, there is recovery of 26.4 litres of
IMFL/country made liquor from the motorcycle.

4. Taking note of submission as advanced by
learned counsel appearing for the petitioner and upon
perusal of record, it transpires that the petitioner was
not apprehended on the spot, suggesting *prima facie*



that illicit liquor was not recovered from his conscious physical possession. It is pointed out that implication was for the reasons that mobile of petitioner was found near to the place of recovery. Petitioner found involved in one more criminal case but of different nature, where he is on bail

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court -I, Sitamarhi/concerned Court, where the case is pending in connection with Bairgania P.S. Case No. 04 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.



(Chandra Shekhar Jha, J)

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