

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18814 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- BHAGWANPUR HAT District- Siwan

Shiv Kumar Mahto @ Shio Kumar Mahto S/o- Ram Ratan Mahto Resident of
Village- Tarwar Tola- Khariwant, P.S.- Bhagwanpur Hat, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**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
Bhagwanpur Hat P.S. Case No. 09 of 2025 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 151.6
litres of liquor has been recovered out of which 31.6 litres liquor
has been recovered from plastic bag whereas 120 litres liquor
has been recovered from open field.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner rather a part recovery has been made from plastic bag and also from an open place. The petitioner has got no concern with the alleged recovery of liquor or with the plastic bag from which the recovery has been made. The petitioner is in custody since 14.01.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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, clean antecedent 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhagwanpur Hat P.S. Case No. 09 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

