

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20152 of 2025**

Arising Out of PS. Case No.-151 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Dharmendra Mahato @ Dharmendra Mahto S/o Lal Bahadur Mahato R/o
Village- Gaur Bujurg, P.S.- G.B. Nagar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, aPP

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

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with GB
Nagar PS Case No. 151 of 2021 instituted for the offences under
Sections 30(a)(d), 34, 36 & 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that 135 liters
country made liquor, one gas cylinder and aluminum utensils
were recovered from orchard.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Name of the petitioner is disclosed by the local
chowkidar. 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. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 19-02-2025 and has got two criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with GB Nagar PS Case No. 151 of 2021.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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