

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20568 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- JHANJHARPUR District- Madhubani

Nage Mahtoo @ Shatrughan Kumar Mahto S/O Late Mahavir Mahto R/O Vill.-
Kanhauli, Ward no. 6, P.S.- Jhanjharpur, Dist.- Madhubani...

.... Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Ms.Sangeeta Sharma, 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 Jhanjharpur P.S. Case No.
211 of 2024, registered for the offences punishable under Sections 274,
275, 3(5) of BNS and 30(a) of the Bihar Prohibition and Excise Act,
2018.

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

4. Taking note of submission as advanced by learned counsel
appearing for the petitioner and upon perusal of record, it appears that
the recovery of aforesaid illicit liquor was not made from physical
possession of this petitioner and his name transpired on the basis of
confessional statement of co-accused. Petitioner said to be involved in
three cases of similar nature, where he is on bail.

5. Learned APP opposed the prayer of bail.



6. Considering the aforesaid facts and circumstances 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 Judge Excise Act, Jhanjharpur, District-Madhubani/concerned Court, where the case is pending in connection with Jhanjharpur P.S. Case No. 211 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further condition:-

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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