

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24443 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- Excise P.S. District- Begusarai

Bhola Kumar @ Bhola Mahto, aged about 30 years, Gender-Male, S/O Ram Padarath Mahto @ Ram Poddar Mahto @ Ram Padarath, R/O Village- Ward No. 17, Penhas, P.S- Nagar (Lohia Nagar), Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Begusarai Excise P.S. Case No. 354 of 2024 dated 17.10.2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, 88.560 litres of illicit foreign liquor was recovered from the Bolero vehicle, 88.560 litres of illicit foreign liquor was recovered from the Scorpio vehicle and 356.760 litres of illicit foreign liquor was recovered from the Bamboo Clumps, total 533.880 litres was recovered. It is further alleged that police apprehended Krishna Kumar and Sonu Kumar who disclosed the name of this petitioner and other



co-accused persons as fleeing persons from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested on the spot. His name has surfaced in the present case on the basis of the confessional statement of the apprehended co-accused persons which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from his possession. The petitioner has no concern with the alleged offence. The petitioner is neither the owner of Bolero and Scorpio vehicles and Bamboo clumps nor he has any concern with the seized illegal liquor. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. It is further submitted that the other co-accused persons, namely, Sonu Kumar and Krishna Kumar have already been granted bail by a Bench of this Court in Cr. Misc. No. 87623 of 2024 vide order dated 06.02.2025 and Cr. Misc. No. 86002 of 2024 vide order dated 09.01.2025, annexed as Annexure-P/2 series to the present bail petition. The petitioner has fourteen cases (14) as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 23.01.2025.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-II, Begusarai in connection with Excise P.S. Case No. 354 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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