

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26645 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- BARHARA District- Bhojpur

Bhanu Deo Mahto, S/O Baliram Mahto, R/O Vill.- Mahaji, P.S.- Doriganj,
Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barahara P.S. Case No. 161 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in trade of illicit wine; the police conducted raid and seized pick-up van along with one motorcycle. In course of search, 2.700 lts. of illicit foreign liquor was recovered from the motorcycle whereas 4.500 lts. of illicit liquor and 12 lts. of Beer were recovered from the pick up van.

4. Learned counsel for the petitioner contended that the name of the petitioner has been implicated in this



case on account of he being owner of the pick up van. In fact, pick up van, in question, runs on rent for transportation of goods by the driver and the petitioner was not aware of the fact as to whether his pick up van has ever been used for illicit purpose. The petitioner has neither concern with the recovered illicit wine nor the materials, which has been collected during the course of investigation. There are other infirmities in search and seizure. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated only on account of he being owner of the pick up van; apart from the fair antecedent and the absence of materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhojpur, Ara in connection with Barahara P.S. Case No. 161 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

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

