

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29649 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- WARISNAGAR District- Samastipur

Santosh Mahto S/O Ramakant Mahto @ Ramkant Mahto R/O Village-
Lavhatta, P.S- Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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

ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Warisnagar P.S. Case No. 73 of 2025 (Excise G.R. No. 76 of 2025) instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 18.150 liters of illicit foreign liquor from the motorcycle. The petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither owner nor rider of the alleged motorcycle. The petitioner has neither involved in trade of illicit liquor. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 25.03.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Ajay Kumar has been granted bail by this Court vide order dated 07.05.2025 passed in Cr. Misc. No. 29003 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Warisnagar P.S. Case No. 73 of 2025
(Excise G.R. No. 76 of 2025).

(Rudra Prakash Mishra, J)

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