

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30036 of 2025

Arising Out of PS. Case No.-806 Year-2024 Thana- Excise P.S. District- Nawada

1. Santosh Mahto @ Santosh Kumar S/O Dharmendra Mahto @ Devendra Kumar@Devendra Prasad Resident of Village/Mohalla- Patel Nagar, P.S- Nemdar Ganj, District- Nawada.
2. Munna Mahto @ Sujit Kumar S/O Mundrika Prasad @ Mundrika Mahto Resident of Village/Mohalla- Patel Nagar, P.S- Nemdar Ganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Excise P.S. Nawada Case No. 806 of 2024 registered for the offences punishable under Sections 30(A)(C) of the Bihar Excise Act.

3. As per prosecution case, the police has recovered total five liters of illicit country-made liquor from the bushes.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the



present case. The petitioners was neither apprehended on spot nor anything incriminating has been recovered from their conscious possession. The name of the petitioners has transpired in this case on the basis of the confessional statement of co-accused Sharvan Manjhi who was arrested by the police. The petitioner no.1 has one criminal antecedent whereas petitioner no.2 has two criminal antecedents as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioners have no concern with the alleged occurrence or 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.

5. Learned counsel for the petitioner further submits that the co-accused has been granted anticipatory bail by this Court vide order dated 31.01.2025 passed in Cr. Misc. No. 6489 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Nawada Case No. 806 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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