

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32198 of 2025

Arising Out of PS. Case No.-244 Year-2024 Thana- KASBA District- Purnia

Rajesh Kumar @ Rajesh Kumar Mahto @ Rajesh Mahto S/O Budhu Mahto
@ Buddhu Mahto Resident of Bishanpur, Ramaili, P.S- Korha, District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

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

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kasba
P.S. Case No. 244 of 2024 instituted for the offences under
Sections 30(a) and 45 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 208.560 liters of illicit foreign liquor from the Scorpio.

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.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The
petitioner was not arrested on spot and his name has surfaced in



this case on the basis of the disclosures made by the co-accused Mukesh Kumar and, except this, there is nothing adverse against the petitioner. 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 two criminal antecedents and is languishing in judicial custody since 29.03.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused has been granted bail by this Court vide order dated 16.12.2024 passed in Cr. Misc. No. 85075 of 2024.

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, the period of custody of the petitioner and the prayer for bail being based on parity, 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 Kasba P.S. Case No. 244 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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