

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32585 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- EXCISE ROSERA District- Samastipur

Sunil Kumar Mahto @ Sunil Mahto S/o- Late Basudev Mahto Resident of
Village- Singhia Ghat, Ward No- 08, P.S. Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the APP : Ms. Gulnar Begum, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable u/s 30(a) of the Bihar Prohibition & Excise
Act, 2016.

3. The recovery of total 47 litres of foreign liquor has
been shown from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
police had reached at the place of occurrence on a secret
information and apprehended the present petitioner. However,
the entire process of search and seizure amounts to violation of
the mandatory provisions as there is no independent witness to
the said seizure. Further, it is submitted that no video recording
of the search/seizure was done which is requirement of Section



105 of the BNSS and this is a serious procedural lapse. It is further submitted that the said house is a joint property and no recovery was made from physical or conscious possession of the petitioner and hence, no liability can be fixed upon him. It is next submitted that the petitioner has been languishing in custody since 03.04.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has three criminal antecedents of similar nature. However, in response to the same, it is submitted on behalf of the petitioner that he is no bail in all three cases.

6. Considering the above-mentioned facts and circumstances, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) 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 Rosera P.S. Case No. 44 of 2025, subject to the following conditions that:

(I) One of the bailors will be a family member or a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related to the petitioner.

(II) The learned Court below would verify the criminal



antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the learned Court below shall take step for cancellation of bail bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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