

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31947 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- Excise P.S. District- Begusarai

1. Sandeep Kumar S/o Lalan Singh R/o Vill.- Vrindavan, P.S.- Naokothi, Distt.- Begusarai
2. Prabhu Mahto S/o Late Ram Janam Mahto R/o Vill.- Nipaniya Tola, P.S.- Lakho, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Begusarai Excise P.S. Case No. 140/2025 registered for the offences under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, the Assistant Sub Inspector of excise department, on 18.04.2025, received secret information. Acting on the said information, he apprehended a Brezza car in which four persons were travelling. Upon seeing the police, two of them fled, while the other two were apprehended and disclosed their names as Sandeep Mahto



(petitioner no. 1) and Prabhu Mahto(petitioner no. 2). Upon search, a total of 111.30 liters of foreign liquor was recovered from the said car, and the apprehended persons (petitioners) disclosed that they were transporting the said liquor from Jharkhand to Bihar.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case as they were not aware of the liquor kept in the car. Learned counsel further submits that the petitioners have been arrested merely on the ground of suspicion, however, there is nothing to connect the petitioners with the alleged recovery of the foreign made liquor. It is lastly submitted that the petitioners have clean antecedent and they are languishing in custody since 19.04.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioners were apprehended with the recovered foreign liquor which was being carried in a car.

6. Considering the aforesaid facts and circumstances of the case and taking into account that recovery was made from the car in which the petitioners were travelling and that the petitioners are not the owners of the car from the which the



foreign liquor was recovered, let the petitioner above-named be enlarged on bail on deposition of a sum of Rs. 5,000/- each by the petitioners to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) on each of them with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge No.-II, Begusarai in connection with Begusarai Excise P.S. Case No. 140/2025 subject to the conditions :-

- a. One of the bailors of the petitioners shall be their close relative.
- b. The petitioners shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
- d. The Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the Court



below shall take step for cancellation of bail
bond of the petitioners. However, the
acceptance of bail bonds in terms of the afore-
mentioned order shall not be delayed for
purpose of or in the name of verification.

(Sourendra Pandey, J)

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