

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31670 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- KALUAHI District- Madhubani

Manoj Mahto Son of Late Shobhit Mahto Resident of village - Bankatta, P.S.-
Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kaluahi P.S. Case No. 213 of 2024, registered for the
offences punishable under Sections 30(a) and 47 of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. In course of patrolling, the police on a secret
information intercepted a motorcycle bearing Chasis No.
MBLJK06AME9L07769 and apprehended one Santosh Mahto.
In course of search, total 15 liters nepali illicit liquor was
recovered.

4. Learned Advocate for the petitioner contended that
only on account of the petitioner being owner of the motorcycle,
in question, his name has been implicated in this case. The FIR



clearly suggest, the petitioner was neither present at the place of occurrence nor any incriminating material has been recovered from his whereabouts. In fact, on the fateful day the motorcycle, in question, was taken away by his neighbour on the pretext of bringing some household articles and the petitioner was not knowing this fact that his motorcycle has ever been used for any illicit purpose. There are various other infirmities in the search and seizure, coupled with the non compliance of Sections 103 and 105 of the BNSS. The false implication of the petitioner is said to be one criminal antecedent of identical nature. The petitioner has no concern with the recovered illicit wine. It is lastly contended that the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the motorcycle of the petitioner was used for the trafficking of illicit wine.

6. Considering the submissions advanced on behalf of the parties and taking note of the fact that save and except the petitioner being owner of the motorcycle, there is no material suggesting his complicity, coupled with the infirmities in the search and seizure, as also his undertaking and lack of



ingredients attracting the rigors provided under Section 76 (2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 213 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

