

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31940 of 2025

Arising Out of PS. Case No.-126 Year-2025 Thana- Daudnagar Excise District- Aurangabad

Mahadev Saw S/o Late Rajendra Saw R/o Village- Manar, Tola- Ganga Bigha
Ward No. 09, P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioner seeks bail in connection with Daudnagar Excise P.S. Case No. 126/2025 registered for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the informant received secret information that the petitioner was selling country-made liquor from his house. Upon search, 35 liters of country-made liquor was recovered from the backside of the house .

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely because he has criminal antecedent of similar nature. Learned counsel further submits that the country made



liquor was recovered from the backside of the house which is an open space. It is lastly submitted that though the petitioner has three criminal antecedents, he is languishing in custody since 12.04.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries criminal antecedent of similar nature.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the 35 litres of country-made liquor was recovered from the backside of the house of the petitioner, which is an open place, let the petitioner above-named be enlarged on bail on deposition of a sum of Rs. 5,000/- 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, 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 Special Judge, Excise Court No. II, Aurangabad in connection with Daudnagar Excise P.S. Case No. 126/2025 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.



- b. The petitioner 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 petitioner will be liable to the cancelled by the court concerned.
- d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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