

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34785 of 2025

Arising Out of PS. Case No.-136 Year-2025 Thana- Excise P.S. District- Sitamarhi

Surendra Mahto S/o Late Dasai Mahto R/o Village- Masha Naorattam, ward no.3, P.S. - Bargania, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 26-06-2025 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in a case registered for the offences punishable under Section 30(a) and 32(c) of Bihar Prohibition and Excise Amendment Act, 2018. Petitioner has clean antecedent.

3. As per the prosecution case, the informant has stated that during vehicle check, one white colour car was found in a suspicious condition and when the members of the prohibition team moved towards the car it is started running away, which were chased and one person was apprehended who disclosed his name Surendra Mahto (petitioner). On search, total 360 liters of Nepali Gaurav Sufi country liquor was recovered from 10 jute bags which was kept in the trunk and middle seat of the car.

4. The learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case at the behest of the police. It has further been submitted that the petitioner does not have any concern whatsoever with the seized liquor which has been recovered as neither the car belongs to the petitioner nor does the said liquor. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 06.03.2025. The learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court, Patna.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on deposition of a sum of Rs. 5,000/- to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds and thereafter bail bonds of Rs. 10,000/- (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 Sitamarhi P.S. Case No. 136 of 2025, subject to



the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) 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 be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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