

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33633 of 2025

Arising Out of PS. Case No.-198 Year-2025 Thana- DARIYAPUR District- Saran

Sikandar Mahto S/o Adalat Mahto R/o Village- Bajahiya, P.S.- Dariyapur,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard Mr. Udai Shankar Singh, learned counsel for the
petitioner and Mr. Ram Priya Sharan Singh, learned APP for the
State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2022.

3. Perusal of the first information report and the
seizure list would go to show that 40 liters of country made
liquor is said to have been recovered from the bushes. However,
the seizure list shows that the said recovery was made from the
side of the rural road near a temple.

4. It is submitted by learned counsel for the petitioner
that the name of the petitioner has surfaced in this case on a
secret information. The place of recovery is an open place and



easily accessible to anyone, hence no liability can be fixed on the petitioner. There is violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. Petitioner has been languishing in custody since 16.04.2025.

5. Learned APP for the State opposed the prayer for bail on the ground that the petitioner has four criminal antecedents and out of four, two are of similar nature of the offence. In response to this, learned counsel for the petitioner submits that the petitioner is on bail in all the four cases.

6. Taking into consideration the fact and circumstances of the case, 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 Dariyapur P.S. Case No. 198 of 2025, subject to the conditions that

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The one of the bailors will be a family member/close relative.



(iii) The court below shall verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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