

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35319 of 2025**

Arising Out of PS. Case No.-77 Year-2025 Thana- KASBA District- Purnia

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1. Guddu Mahto @ Santosh Mahto @ Guddu Kumar S/o- Rajendra Mahto @ Rajesh Mahto Resident of Dogachhi P.S- Kasba, Dist- Purnea
  2. Rajendra Mahto @ Rajesh Mahto S/o- Late Gango Mahto Resident of Dogachhi P.S- Kasba, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Rita Verma

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**

ORAL ORDER

3      02-07-2025                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 10.500 liters of foreign liquor is said to have been recovered from courtyard of the house of the petitioners and also from nearby bamboo orchard.

4. It is submitted by learned counsel for the petitioners that a false recovery has been shown from the courtyard of the house of the petitioners and rather the entire recovery has been made from the bamboo orchard which does



not belong to them. Further, it is an open area which is accessible to all. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has two criminal antecedents of similar nature of the offence, to which, learned counsel for the petitioners submits that the petitioners are on bail in both the cases.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Kasba P.S. Case No. 77 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

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

(ii) One of the bailors will be a family member/close



relative.

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

(iv) The petitioners would appear before the Investigating Officer of the concerned police station at an interval of every 15 days till investigation is concluded against him.

**(Soni Shrivastava, J)**

devendra/-

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