

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34408 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- Excise P.S. District- Aurangabad

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Sohan Kumar Mahto @ Sohan Kumar son of Ramashish Mehta Village-
Mungyathi PS -Barun District -Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 No one appears on behalf of the petitioner. However,

learned APP for the State is present.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Excise Sadar Aurangabad P.S. Case No. 86 of 2025, lodged on 22.01.2025, under Sections 30(a), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, a total recovery of 505.08 litres of foreign liquor from a vehicle is the subject matter of the present case.

4. From the F.I.R. it transpires that two persons on



seeing the police started fleeing but on chase the police apprehended one accused while the other accused person, (the present petition) succeeded to flee away from the place of occurrence.

4. Plea has been taken by the learned Counsel for the petitioner in the bail application that the petitioner is innocent and has committed no offence. Nothing has been recovered from the possession of the petitioner and he has no concern with the seized liquor or with the vehicle from which the illegal recovery has been made. The preparation of defective seizure has been pleaded in the FIR. It has also been pleaded that except confessional statement, there is nothing against the present petitioner and he is in custody since 19.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner has one criminal antecedent relating to excise matter and huge quantity of liquor has been recovered from the vehicle.

6. In the present facts and circumstances of this case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Exclusive Special Judge, Court No.2,



Aurangabad in connection with Excise Sadar Aurangabad P.S.
Case No. 86 of 2025, subject to the conditions as laid down U/s
480(3) of the BNSS, 2023, with further condition:-

(i) the trial Court is directed to release the petitioner
on bail only after framing of charge as well as on being satisfied
that petitioner is not absconding in case pending against him,
namely, Barun P.S. Case No.219 of 2023.

(Dr. Anshuman, J)

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