

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34039 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- Excise P.S. District- Madhubani

1. Monu Paswan Son of Deelip Paswan vill- Rahika , P.S.- Rahika, Dist- Madhubani
2. Ravi Kumar Mahto son of Manoj Mahto vill- Rahika , P.S.- Rahika, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Madhubani Sadar Excise P.S. Case No. 143 of 2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act. Petitioners have clean antecedent.

3. As per the prosecution case, the police, during the vehicle checking, intercepted a CNG Auto, from which two persons tried to flee. However, they were chased and apprehended who disclosed their names as Monu Paswan (petitioner no.1) and Ravi Kumar Mahto (petitioner no.2). On search, total 114 liters of Nepali country-made liquor was recovered which was kept beneath the seat of the driver.



4. The learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. It has been stated that no recovery has been made from the conscious physical possession of the petitioners rather the said recovery is being shown to have been made from beneath of the seat of the driver. He further submits that the petitioners have no concern with alleged CNG Auto. Learned counsel submits that they were neither the driver nor the owner of the CNG Auto. Lastly, it has been submitted that the petitioners have clean antecedent and they are in custody since 22.04.2025.

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

6. Considering the aforesaid submissions made by the parties and taking into account that the petitioners have clean antecedent, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Judge, (Excise Court), Madhubani, in connection with Madhubani Sadar Excise P.S. Case No. 143 of 2025, subject to the following conditions:-



(i) One of the bailors of the petitioners shall be his close relative.

(ii) The petitioners 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 petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are 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 petitioners and in case at any stage 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, 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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