

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36529 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- KOTWA District- East Champaran

Chhotan Mahto @ Chhotan Kumar S/O Satyanarayan Mahto @ Satya Narain
Mahto R/O Village-Machchhargawa,Ps-Kotwa,Distt-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 243 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 22 liters of illicit country-made liquor from the asbestos house of the petitioner and co-accused Upendra Mahto.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything



incriminating has been recovered from his conscious possession. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. The house alleged is the joint house of the petitioner and he had no knowledge of the illicit liquor being kept in the same. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Upendra Mahto has been granted regular bail by this Court vide order dated 09.12.2024 passed in Cr. Misc. No. 83823 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Kotwa
P.S. Case No. 243 of 2024, subject to the conditions as laid
down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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