

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43203 of 2025

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

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Laddu Mahato @ Laddu Mahto S/O Adalat Mahato R/O Vill.- Bajahiyan,
P.S.- Dariyapur, Dist.- Saran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mili Kumari, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 14-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Defect no. 6 (1) pointed out by the office is
ignored.

3. The petitioner seeks bail in a case registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

4. 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.

5. It is submitted by learned counsel for the petitioner
that the name of the petitioner has surfaced in this case on a
disclosure made by apprehended co-accused, Sikandar Mahto.
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. It is pointed out that the said co-accused, Sikandar Mahto has already been granted privilege of bail vide order dated 26.05.2025 passed in Cr. Misc. No.33633 of 2025 by this Court. Petitioner has been languishing in custody since 23.04.2025.

6. Learned APP for the State opposed the prayer for bail on the ground that the petitioner has one criminal antecedent. In response to this, it is submitted that the said case is not of the same nature and petitioner is on bail in the said case.

7. 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.

(Soni Shrivastava, J)

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