

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40489 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- BABUBARHI District- Madhubani

Mahesh Singh @ Mahesh Kumar Singh S/o Bihari Singh R/o Village- Aurhi,
P.S.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd. APP

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

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Babubarhi P.S. case
No. 334 of 2024 instituted for the offences under Section
3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 405 liters
liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case. No incriminating material has been
recovered from the conscious possession of the petitioner.



The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that recovery is made from the cattle-shed belonging to joint family of the petitioner. The petitioner is in custody since 21.03.2025 and has got five criminal antecedents. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Babubarhi P.S. case No. 334 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every



date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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