

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39693 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- PATAHI District- East Champaran

RAMJEE MAHTO Son of Dipalal Mahto Resident of Village - Kodariya,
P.S.- Patahi, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Patahi P.S. Case No. 305 of 2024 for the offence under Sections 274 and 275 of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, on 27.11.2024, the informant who is a police personnel, got secret information that smuggling of liquor was being carried out near Mirzapur petrol pump. When the police team reached at the place of occurrence, they saw a person trying to flee away after seeing the police team. After sudden acceleration of motorcycle, the pillion rider who was carrying a bag on his back, fell down from the motorcycle and sustained injury on his head. Upon



interrogation, he disclosed his name as *Mangni Mahto* and after the search of the said bag, total 25.5 litre of Nepali liquor has been recovered. Thereafter, he disclosed the name of his accomplice as *Ramjee Mahto* (petitioner).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence rather he has made accused in this case only on the basis of suspicion and local village politics. From perusal of the F.I.R., it appears that the name of the petitioner has been dragged in this case only on the confessional statement of the co-accused namely *Mangani Mahto* made before the police. Learned counsel further submits that no incriminating article has been recovered from the conscious possession of the petitioner but merely on the suspicion, he has been implicated.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the date of receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3,



East Champaran, Motihari, in connection with Patahi P.S. Case No. 305 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be physically present on each and every fixed date till framing of charge and on his absence on two consecutive dates without sufficient reason, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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