

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43490 of 2025

Arising Out of PS. Case No.-479 Year-2024 Thana- BANIAPUR District- Saran

Bayas Mahto @ Byash Mahato S/o Ramdayal Mahto R/o Village- Berui, P.S.-
Baniapur, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Baniapur PS Case No. 479 of 2024 dated 19-10-2024, instituted
under Sections 30(a) of the Bihar Prohibition and Excise Act
2022.

3.The prosecution case, in brief, is that on seeing the
police force , three persons started running away, throwing the
plastic bags they were carrying. However, with the help of the
police team, two of them were apprehended at the spot, while
one managed to escape. During interrogation, the apprehended
persons disclosed their names and also revealed the identity of
the absconding person as Bayas Mahto @ Byash Mahato. It is
further alleged that, upon search, 30 liters of illicit *desi chulai*



liquor was recovered from one of the thrown plastic bags.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that no contraband has been recovered either from the conscious possession of the petitioner or from his house. The petitioner has been made as an accused merely on the basis of the disclosure made by the two apprehended persons. Lastly, it is submitted that the petitioner has three other criminal cases pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Excise Court saran at Chapra or successor Court, in Baniapur PS Case No. 479 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two



consecutive dates.without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail

7. The application stands allowed.

(Khatim Reza, J)

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