

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44811 of 2025**

Arising Out of PS. Case No.-134 Year-2019 Thana- BARSOI District- Katihar

Ashok Kumar Mahaldar @ Ashok Kumar @ Ashok Mahaldar S/O Baldev Mahaldar R/O Village-Shighiya Tola,Begambad,PS-Mufasil,Distt-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Harish Chandra Patel, Adv.

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

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

ORAL ORDER

2      16-07-2025                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Barsoi P.S. Case No. 134 of 2019 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 236 liters of illicit foreign liquor from the pick-up van.

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 merely on the basis of suspicion. The petitioner is the owner of the alleged pick-up van. He further submits that nothing incriminating has been recovered from the conscious possession



of the petitioner. The petitioner has no concern with the seized liquor. The petitioner was not aware of the seized wine as the same was given to the driver who was arrested on the spot. The petitioner was arrested in Purnea Mufasil P.S. Case No. 33 of 2025 and has been remanded in the present case on 29.04.2025 and, since then, he is in custody. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Barsoi P.S. Case No. 134 of 2019.

**(Rudra Prakash Mishra, J)**

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