

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48518 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- MALAHI District- East Champaran

Shambhu Mahato S/o- Late Maldev Mahato @ Late Mandev Mahato, R/o
Village- Sirni Dhagar Toli, P.S.- Malahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Malahi P.S. Case No.97 of 2025 instituted under Sections
30(a) & 37 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 40
liter *desi chulai* liquor in plastic gallon behind the house of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on the basis of disclosure made by the arrested
persons. He further submits that petitioner has no concern with
the seized liquor as the same does not belong to him. Learned
counsel submits that the recovery is made behind the house of



petitioner which is an open place and petitioner has no concern with the said place. He further submits that no incriminating article has been recovered from the conscious possession of petitioner. Learned counsel submits that petitioner has two criminal antecedents, in which he is on bail and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid 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 bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-I, East Champaran, Motihari in connection with Malahi P.S. Case No.97 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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