

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51722 of 2025

Arising Out of PS. Case No.-237 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Lalji Mahto @ Lala Jee Mahto S/O Madan Mahto R/O vill.- Kuwari Devi
Chauk, Das Tola, P.S.- Motihari, Town Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Motihari (Town) P.S. Case No. 237 of 2025 registered for the offences under Sections 30(a) & 41(1) of Bihar Excise Prohibition Act.

3. As per the prosecution case, the police party during patrolling received a secret information that some persons were selling liquor. A raid was conducted and some persons were seen consuming liquor; however, most managed to flee and one person was apprehended who disclosed his named as Ashok Das. It was further alleged that some local people and family members of the apprehended persons



successfully managed to free the apprehended persons from the clutches of the police. It is lastly alleged that Ashok Das and Bagar Mahto were involved in keeping 25 liters of country made liquor in the hut.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case at the behest of the local villagers. Further submission is that there is no allegation of any overt act against the petitioner with regard to the consumption and keeping of illicit liquor, however it is alleged that he was among the persons who had freed the co-accused Ashok Das from the clutches of the police. Petitioner has one criminal antecedent and he is on bail in the said case.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending/successor court in connection with Motihari (Town) P.S. Case No. 237 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

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

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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