

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50948 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- MALAHI District- East Champaran

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Ramu Mahto @ Ramu Mahato S/o Late Nikhandi Mahto R/o Village-
Mamarkha, P.S.- Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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

ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Malahi
P.S. Case No. 188 of 2025 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 45 liters of illicit country-made liquor from behind the
house of the petitioner.

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
due to highhandedness of the police. 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. He further submits that the petitioner is not the owner of the backside of the asbestos house situated near bush and the same is also an open place which is accessible to one and all. 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 no criminal antecedent and is languishing in judicial custody since 31.05.2025 without any rhymes or reason.

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 and the petitioner having no criminal antecedent, 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 Malahi P.S. Case No. 188 of 2025.

(Rudra Prakash Mishra, J)

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