

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56366 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Bhola Kumar @ Bhola Mahto, S/o- Jageshwar Mahto, Resident of Village-
Balsandi Tara Ward no.- 7, P.S.- Bibhutipur, District-Samatipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 21-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No.11 of 2024 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 1265.4 litre of illicit liquor
was recovered from the oil tanker near the Bamboo orchard of
Phulwaria village. It is alleged that the accused persons
including the petitioner fled away from the spot.

4. Learned counsel for the petitioner has submitted
that petitioner has falsely been implicated in the present case.
Petitioner is not named in FIR and his name surfaced during
course of investigation. It is submitted that recovery of alleged



illicit liquor was not made from conscious possession of the petitioner and he has no concern with the alleged recovery of illicit liquor. It is further submitted that there is no independent witness on the seizure list. Similarly situated co-accused has already been granted regular bail by a coordinate Bench of this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 27310 of 2024. Petitioner has three criminal antecedents in which he is on bail. Petitioner is in custody since 28.05.2025. He undertakes to cooperate in the trial.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, in connection with Bibhutipur P.S. Case No.11 of 2024 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Samastipur.

(Sunil Dutta Mishra, J)

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