

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60260 of 2025

Arising Out of PS. Case No.-395 Year-2025 Thana- MADHAURAH District- Saran

Ganesh Mahto S/o- Jawahir Mahto, Resident of Village- Olahanpur Chakdara,
P.S.- Madhaurah (Marhowrah), Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Madhaurah (Marhowrah) P.S. Case No.395 of 2025 instituted
under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 10
litre illicit country made liquor kept in two plastic gallons near
Lohiya Bridge at Village Olahanpur Chakdara and petitioner
fled away from the spot after throwing the said gallons who was
identified by the *Mahal Chaukidar*.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis disclosure statement made by the *Mahal
Chaukidar*. He further submits that petitioner has no concern
with the alleged seized liquor and no incriminating article has
been recovered from his conscious possession. Learned counsel



submits that there is no independent witness to the seizure list and the same has not been prepared in accordance with mandatory provisions of law. He further submits that the alleged recovery has been made from an open place which is accessible to public at large. Learned counsel submits that petitioner is in custody since 08.07.2025, having one criminal antecedent, in which he is on bail. He further submits that there is no likelihood of absconding the petitioner or tampering with the evidence and he undertakes to cooperate in the investigation and trial.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Madhaurah (Marhowrah) P.S. Case No.395 of 2025.

(Sunil Dutta Mishra, J)

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