

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60711 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- MEHSI District- East Champaran

Devendra Mahto @ Kaliya S/o Jai Mahto @ Jay Mangal Mahto R/o Village -
Bathna, P.S. - Mehshi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khushi Awadh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mehsi P.S. Case No. 43 of 2025 dated 01.03.2025 instituted for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution story, on getting secret
information, on raid, altogether 3533.400 litres of illicit foreign
liquor was recovered from tank lorry truck and Bolero Pick Up
vehicle and 14 to 15 persons present there fled away seeing the
police party out of which local chawkidar identified nine
persons including 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 suspicion. Petitioner was not arrested from



the spot and his name transpired in the present case on the basis of disclosure made by local chowkidar. There was non-compliance of the mandatory procedure prescribed for recovery under Section 103 of the BNSS. Nothing was recovered from the conscious possession of the petitioner and petitioner has no concern with the alleged recovery. Petitioner is neither the owner nor the driver of the seized vehicles in question. The co-accused person namely, Naresh Rai @ Ram Naresh Yadav has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.05.2025 passed in Cr. Misc. No. 32411 of 2025. Petitioner has two criminal antecedents as stated in paragraph no. 3 of the bail petition. Petitioner is in custody since 15.06.2025. He lastly submits that after completion of investigation, chargesheet has been submitted against the petitioner.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of petitioner, this Court is inclined to enlarge the petitioner on bail. Accordingly, let the petitioner, above-named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Exclusive Special Excise
Court No. 3, East Champaran, Motihari, in connection with
Mehsi P.S. Case No. 43 of 2025.

(Sunil Dutta Mishra, J)

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