

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60258 of 2025

Arising Out of PS. Case No.-355 Year-2025 Thana- CHAPRA TOWN District- Saran

Chandan Mahto @ Neta Mahto @ Nata Mahto Son of Shatrughan Mahto R/O
Adda no. 2, P.S. - Chapra Town, P.S. - Chapra Town, Dist. - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chhapra Town P.S. Case No. 355 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, informant got secret information that near Adda no. 2 which is situated on the bank of river, petitioner is alleged to have transported the large amount of illicit liquor for supplying in the city. Thereafter, informant alongwith police officials reached at the spot and recovered 80 litre country made illicit liquor from the place of occurrence.

4. Learned counsel for the petitioners submits that



from perusal of the F.I.R., it is not clear as to who has divulged the name of petitioner, and hence the authenticity of the F.I.R. is doubtful. He further submits that the place of recovery is an open place and, hence, petitioner cannot be held liable for the alleged recovery. He was not found at the place of occurrence. Seizure list has not been made as per law. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of two cases. He further submits that just because of having criminal antecedents, petitioner has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of



Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Court, Saran at Chapra in connection with Chapra Town P.S. Case No. 355 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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