

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59397 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- BALTHAR District- West Champaran

Rajesh Mahto Son of Yogendra Mahto Resident of Village - Balthar, Police
Station - Balthar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2025 Heard, Mr. Sarvesh Kashyap, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Balthar P.S. Case No. 65 of 2025 for the offence registered
under sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the FIR, the Police upon secret information,
raided the place and from behind the house of the petitioner,
recovered 16.02 liter Nepali liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that
recovery is from outside the house not from his conscious
possession, he do not have criminal antecedent, an undertaking
has been given that he shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand,
opposes the prayer for anticipatory bail.



6. Taking into account the submissions of the parties as also the fact that the recovery is from outside the house and he has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court-II, Bettiah, West Champaran in connection with Balthar P.S. Case No. 65 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be



submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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