

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59232 of 2025

Arising Out of PS. Case No.-313 Year-2025 Thana- DHAKA District- East Champaran

Mitthu Kumar @ Gauri Shankar Mahato @ Gauri Shankar Mahto S/O
Ramnath Mahato @ Ramnath Mahto Resident of Village- Bahadurpur, P.S.
Kundwa Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 11-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in a case registered
under Section 317(4) of B.N.S. and Section 30(a) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, 198 liters of illicit
country made liquor was recovered from the *Tempo*. This
petitioner and other co-accused person were apprehended on the
spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case due to ulterior motive. Further submission is that petitioner
is neither the owner nor the driver of the seized *tempo*.
Petitioner has no concern with the seized liquor. Nothing has
been recovered from conscious possession of the petitioner. On
the alleged date of occurrence, petitioner was only sitting in the



said *tempo* and he was unaware about keeping of illicit liquor in the *tempo*. It is submitted that similarly situated co-accused Navin Kumar has already been granted regular bail by this Court *vide* order dated 04.09.2025 passed in Cr. Misc. No. 58137 of 2025. Petitioner is in custody since 22.06.2025 having clean antecedent and there is no chance of his absconding or tampering with the evidence. Petitioner 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 the submissions of learned counsel for the parties, let the petitioner, above named, be released on 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 Exclusive Special Excise Court No. 03, East Champaran at Motihari in connection with Dhaka P.S. Case No. 313/2025.

(Sunil Dutta Mishra, J)

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