

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64578 of 2025

Arising Out of PS. Case No.-124 Year-2025 Thana- YADOPUR District- Gopalganj

Byash Mahto @ Vyas Mahto Son of Mohan Mahto, R/O-Sihorwan,
Bishunpura, Gopalganj, Babubishunpur, Resident of Village - Babubishunpur,
Bihar - 841428, P.O.- Gopalganj, P.S.- Gopalganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shruti Singh, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Jadopur P.S. Case No.124 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. In course of vehicle checking, the police intercepted a person, who was coming on a motorcycle bearing registration number BR28E-0382. However, noticing the police party, the person who was riding the motorcycle succeeded in fleeing away by abandoning the same. In course of search, total 35 lts. Beer was recovered.

4. Learned Advocate for the petitioner contended that



the petitioner has neither any concern with the motorcycle in question nor with the alleged recovered illicit Beer. Only on account of suspicion, the name of the petitioner has been implicated in this case. The petitioner is an elected Ward Member of Bishunpur East Gram Panchayat and the possibility of false implication cannot be ruled out at the hands of political rival. It is further contended that there are various other infirmities in the search and seizure. Moreover, the witnesses to the search and seizure are all the police personnel and there is no independent witness.

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that the petitioner was identified by local Chowkidar.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record, which *prima facie* do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent of the petitioner as also the infirmities in the search and seizure, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII-cum-Special Excise Court No.I, Gopalganj in connection with Jadopur P.S. Case No.124 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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