

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61436 of 2025

Arising Out of PS. Case No.-217 Year-2025 Thana- MUNGER MUFFASIL District- Munger

1. Chhatri Mahto @ Amar Kumar Son of Parmshwar Mahto R/o Village - Karwala, P.S. - Kasim Bazar, District - Munger.
2. Vivek Sahani Son of Vinod Sahani R/o Lalu Pokhar, P.S. - Kasim Bazar, Dist. - Munger.
3. Vishal Sahani Son of Vinod Sahani R/o Lalu Pokhar, P.S. - Kasim Bazar, Dist. - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deep Anshuman

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Muffasil PS. Case No.217 of 2025 dated 23.06.2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per allegation, 300 litres of country made liquor has been recovered from the river side and as per secret information, the petitioners were manufacturing the country made liquor. However, at the time of raid, nobody was arrested because they had fled away taking the advantage of darkness of night.



4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that recovery of contraband has been made from an open space accessible to public at large and the entire case of the prosecution is based on suspicion and nothing has been recovered from possession of the petitioners. He also submits that no *prima facie* case is made out against the petitioner and hence, the present petition is maintainable and the petitioners deserve to be enlarged on anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No.1, petitioner No. 2 and petitioner No. 3 have been made accused in two, five and six other cases respectively in which they are on bail.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Muffasil P.S. Case No. 217 of 2025 subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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