

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62140 of 2025**

Arising Out of PS. Case No.-49 Year-2025 Thana- MAHUAWA District- East
Champanan

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Raj Kumar Mahto S/O Dhrup Mahto @ Dhup Mahto Resident of Village-
Dharamnagar, P.S- Mahuawa, Distt.- East Champanan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Mahuawa P.S. Case No. 49 of 2025 dated 21.05.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (hereinafter referred to as 'the Act').

3. According to the prosecution case, 153 liters of illicit Nepali country made liquor has been recovered from the Toto and the petitioner, who is stated to be the owner of the said vehicle, is alleged to have fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any



offence. He further submits that though the petitioner happens to be the owner of the alleged Toto from which the alleged recovery of liquor has been made, but he had no knowledge that illicit liquor is kept at his vehicle. He further submits that Toto is a commercial vehicle being used to carry many passengers and one of them may have kept it in the vehicle. Neither the petitioner has knowledge about the same nor he has any concern in any manner. He also submits that mere on the disclosure of choukidar, his name has transpired in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has got one more case of similar nature other than the present one.

6. Regard being had to the submission made by the parties and taking into consideration the fact that the alleged recovery of illicit liquor has been made from the Toto, of which petitioner is the owner, is a commercial vehicle and nothing incriminating has been recovered from the conscious possession of the petitioner, I am inclined to grant the privilege of anticipatory bail to the petitioner.



7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, East Champaran, Motihari/ Concern Court in connection with Mahuawa P.S. Case No. 49 of 2025, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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