

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63830 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- MADHWAPUR District- Madhubani

Mohan Mahto S/o Jhagaru Mahto R/o Village - Hariharpur, P.O - Hariharpur,
P.S - Kamtaul, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Madhwapur P.S. Case No. 88 of 2025 for the offence registered under sections 274, 275 of the BNS and Section 30(a) of the Bihar Prohibition & Excise Act, 2022 lodged on 29.06.2025 by the informant, Manoj Nath.

3. As per the prosecution story, the Police on the Indo-Nepal border intercepted an auto and there is recovery/seizure of 135 liter country made liquor. Rajan Kumar, the driver was arrested and it came to notice that the petitioner owns the vehicle. This led to the FIR.

4. Learned Counsel for the petitioner submits that a perusal of the FIR would show that it was being driven by Rajan



Kumar, this petitioner has no criminal antecedent and only because he owns the vehicle, got implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the vehicle belongs to the petitioner.

6. Considering the submissions of the parties as also that though the vehicle belongs to him, it was being driven by Rajan Kumar and got apprehended with the materials, this petitioner has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. However, if it is found that contrary to the statement made in paragraph 3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. 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 Court of Exclusive Special Judge Excise Act, Madhubani in connection with Madhwapur P.S. Case No. 88 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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