

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64197 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- NAYAGAON District- Begusarai

Ashok Mahto S/o Shri Jagdish Mahto R/o Village- Rampur Matihani,
Mahmmadpur Gautam, P.S.- Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 Nayagaon P.S. Case No. 61 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 14.08.2025 by the informant, Navneet Kumar Rai.

3. As per the FIR, the Police on secret information, raided the place of the petitioner and from the cattle shed, there is recovery/seizure of 10 liter country made liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that the recovery/seizure is from an open place having access to everyone, he do not have criminal antecedent.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the recovery/seizure is from the cattle shed of the petitioner.

6. Considering the submissions of the parties as also the fact that recovery/seizure is from an open place, he do not have criminal antecedent, FIR is there, shall be facing the trial, 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-I, Excise Act, Begusarai in connection with Nayagaon P.S. Case No. 61 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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