

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64682 of 2025

Arising Out of PS. Case No.-135 Year-2025 Thana- BOCHAHAN District- Muzaffarpur

Aanandu Mahto @ Anandu Mahto, S/O Fudeni Mahto @ Fudena Mahto,
Resident of village- Chakbalthi, P.S.- Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bochaha P.S. Case No. 135 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a secret information raided the house of the petitioner, however, noticing the policy party one person, who was present there, succeeded in fleeing away, who was later on identified as the petitioner by the *Chaukidar*. In course of search, total 261.250 litres of illicit liquor was recovered.

4. Learned Advocate for the petitioner has taken this Court through the search and seizure and submitted that the alleged recovery has been made from a semi constructed house, which falls within the share of various coparceners, out of



which the petitioner is one of them and, as such, any recovery from such house, the petitioner cannot be held to be responsible. The identification of the petitioner by the *Chaukidar*, who belongs to different place, also does not inspire confidence. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023, besides the other infirmities in the search and seizure. The witnesses to the seizure are non-else, but the police personnel. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery from the house of the petitioner clearly attracts the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made from a semi constructed house, which falls under the share of joint family, coupled with the fair antecedent and the infirmities in the search and seizure, which, *prima facie*, do not attract the prescriptions provided under Section 76(2) of the of the Bihar Prohibition and



Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-III, Muzaffarpur in connection with Bochaha P.S. Case No. 135 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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