

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70361 of 2025**

Arising Out of PS. Case No.-384 Year-2025 Thana- SUGAULI District- East Champaran

Omprakash Mahto @ Krishna Mahto S/o Late Shivrath Mahto R/o Village-  
Sripur Bhatwalia, P.S.- Sugauli, District- East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                  |
|--------------------|---|----------------------------------|
| For the Petitioner | : | Mr. Shyam Sundar Kumar, Advocate |
| For the State      | : | Mr. Kumar Ranjit Ranjan, APP     |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      08-10-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Sugauli PS. Case No.384 of 2025 dated.15.07.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment)Act, 2022.

3. As per allegation, 20 liter of illicit liquor has been recovered from a bag lying in the garden and as per the further case of the prosecution, this bag was thrown away by the Petitioner after seeing the police.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has been from an



open space accessible to the public at large and the Petitioner has nothing to do with it. He also submits that the whole case is based only on suspicion.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has 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 has been made accused in one other case in which he is on bail.

7. However, 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 petitioner, above-named, to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Sugauli PS. Case No.384 of 2025, subject to the conditions as laid down under Section 482 (2) of the 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 petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

**(Jitendra Kumar, J.)**

Chandan/-

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