

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71722 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- CHACKMEHSI District- Samastipur

Rajnarayan Mahto @ Raju Mahto @ Rajv Mahto S/O Late Vipat Mahto R/O
village - Shrinathparan , PS - Chakmehsi , District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chakmehsi P.S. Case No. 138 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, 8.07 litre illicit foreign liquor was recovered from scooty in question and Mahal chowkidar disclosed the name of petitioner, who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of three cases in which he is on bail. Petitioner has been roped in a case one after



another in a routine manner without any basis. He further submits that due to enmity and village politics, name of the petitioner has been transpired in the present case. Seizure list has not been prepared in accordance with law. Except disclosure of Mahal chowkidar, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Petitioner is not owner of the scooty in question. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of petitioner finds place in the FIR and hence, he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Samastipur in connection with Chakmehsi P.S. Case No. 138 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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