

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79328 of 2025

Arising Out of PS. Case No.-2338 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Rakesh Mahto @ Rajeev Ranjan S/o- Mahendra Mahto @ Maheshwar Mahto
Resident of Village- Malpur @ Malpur Agrail PS- Sakra Dist- Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv
For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 2338 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Earlier vide order dated 30.04.2025 passed in Cr. Misc. No. 25409 of 2025 anticipatory bail of the petitioner was allowed by a Co-ordinate Bench of this Court with a direction to the court below to verify the criminal antecedent of the petitioner. Further, it appears that the court below, after verification, has found that petitioner bears nineteen criminal antecedent, accordingly, the bail bonds of the petitioner was not accepted.

4. The prosecution case, in short, is that 45 liters of



foreign liquor was recovered from near a Date Palm Tree.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that recovery is made from an open place, which is accessible to one and all. It is further submitted that the name of the petitioner has transpired on secret information. The petitioner is in custody since 30.07.2025 and has got nineteen antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 2338 of 2024,



subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

krishnakant/-

U		T	
---	--	---	--

