

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82354 of 2025

Arising Out of PS. Case No.-228 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Om Prakash @ Om Prakash Mahto S/o- Kari Mahto R/v- Madhutol Ps-
Khanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv

For the Opposite Party/s : Mr. Nand Kumar, APP

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

ORAL ORDER

2 02-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 228 of 2025, instituted for the offences
punishable under Sections 30(a), 32(2), 41(1), 41(II) of the
Bihar Prohibition and Excise Act and Sections 25(1-b)a, 26 &
35 of Arms Act.

3. The prosecution case, in short, is that total 1103.5
liters liquor was recovered from Truck and one country made
pistol, four magazine and eight live cartridges.

4. 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. Learned counsel for the petitioner submits that petitioner has no concern with the alleged Truck and Arms in question. It is submitted that apprehended co-accused namely Pankaj Kumar disclosed the name of the petitioner. It is also submitted that petitioner was not apprehended on the spot. The petitioner is in custody since 31.10.2025 and has got five criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. 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.

7. 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 Bibhutipur P.S. Case No. 228 of 2025, 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)

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