

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8245 of 2026

Arising Out of PS. Case No.-30 Year-2026 Thana- Excise P.S. District- Madhubani

1. Raja Babu Mahto S/o Chandradev Mahto R/o vill - Bhangha Sitapur, P.S.- Bhangha Sitapur, Distt.- Motihari, Nepal
2. Hira Sah S/o Late Ramdev Sah R/o J.P. Colony, P.S- Town, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar Sah, Advocate
		Ms. Archana Aanand, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 10-03-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sadar Excise PS Case No. 30 of 2026 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 192 liters liquor was recovered from car.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is



submitted that names of the petitioners have surfaced in this case as being driver and co-driver of the vehicle in question and they were oblivious of the fact that illicit liquor was laden in the vehicle. The petitioners are in custody since 17.01.2026 and have got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Learned counsel for the petitioner submits that a supplementary affidavit has been filed in the present case bringing on record the deponent on behalf of petitioner No. 1, as he is a citizen of Nepal.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

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

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar Excise PS Case No. 30 of 2026, subject to the following conditions:

(I) One of the bailors shall be deponents of the petitioner No.1, namely, Manisha Devi and petitioner No.2, namely, Muskan Devi, respectively.



(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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