

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15961 of 2026

Arising Out of PS. Case No.-65 Year-2024 Thana- AWTARNAGAR District- Saran

Surendra Mahto @ Suresh Mahto S/o Kechul Mahto R/OI village- Madanpur
Bindtoli, P.S- Awtarnagar, Dist-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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

ORAL ORDER

2 11-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Awtarnagar P.S. Case No. 65 of 2024, instituted for the offences punishable under Sections 147, 148, 149, 224, 225, 341, 323, 353, 307, 332, 333, 504, 506 of the Indian Penal Code, read with Sections 30(a) and 45 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 20 litres liquor was recovered from the house of petitioner. It is further alleged that when the police proceeded with the petitioner, the co-accused persons along with other FIR named accused persons attacked the police party.

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 also submitted that the petitioner has been arrested only on the basis of suspicion. It is next submitted that the alleged recovery has been made from the joint house of the petitioner where other family members also reside. No specific accusation of overt act has been alleged against the petitioner. The petitioner is in custody since 01.12.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused have been granted regular bail by this Court vide order dated 06.02.2026 passed in Cr. Misc. No. 9119 of 2026. 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 Awtarnagar P.S. Case No. 65 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 and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

(V) The petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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