

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15190 of 2026

Arising Out of PS. Case No.-430 Year-2025 Thana- SAHPUR District- Patna

Vinod Mahto @ Binod Mahto Son of Late Rampani Mahto Resident of
Village- Daudpur Bagicha, Ward No. 02, P.S.- Shahpur, District- Patna, State-
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-03-2026 Heard Mr. Ashok Kumar Garg, learned counsel for
the petitioner and Mr. Syed Mojibur Rahman, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.10.2025 in connection with Special Excise Case No. 2214 of
2025 arising out of Shahpur P.S. Case No. 430 of 2025, F.I.R.
dated 21.10.2025 for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. Recovery is of 40 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made near Daudpur Embankment. He further submits that there is non-compliance of Section 103 of the BNSS, 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.10.2025.

5 Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedents other than the present one but fairly submits that the petitioner is on bail in both the pending matters.

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of section 103 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge Danapur, Patna in connection with Special Excise Case No. 2214 of 2025 arising out of Shahpur P.S. Case No. 430 of 2025, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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