

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14101 of 2026

Arising Out of PS. Case No.-442 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Ashok Mahto @ Ashok Kumar S/o Late Hardwal Mahto @ Haridwar Mahto
R/o vill - Rampur Asli, P.S.- Sahebganj, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 24-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Sahebganj P.S. Case No. 442 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that from the *bathan* of this petitioner, 171 liters of country made foreign made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that nothing has been recovered from the



possession of this petitioner. The witnesses of the seizure list are police personnel and the police has not complied with Section 105 of the BNSS while making the seizure. The said recovery has been made from *bathan*, which is an open place. He further submits that the petitioner is languishing in judicial custody since 29.01.2026.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of two cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail **with the condition that the petitioner shall not indulge in similar nature of offences in future.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Muzaffarpur in connection with Sahebganj P.S. Case No. 442 of 2024.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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