

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15285 of 2026

Arising Out of PS. Case No.-41 Year-2026 Thana- SURSAND District- Sitamarhi

Mani Shankar Mahto S/o Sevak Mahto Resident of Village- Kararbana, ward
no. 4, Post- Bangraha, P.S.- Sursand, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2026 Heard Mr. Dwij Raj, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.01.2026 in connection with Sursand P.S. Case No. 41 of
2026, F.I.R. dated 19.01.2026 for the offences punishable under
Sections 30(a), 36 and 41 of the Bihar Prohibition and Excise
Act and Sections 274 and 265 of the BNS, 2023.

3. Recovery is of 2970 liters of Nepali liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the
F.I.R is false and fabricated and the petitioner has not committed
any offence as alleged in the F.I.R. 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 from the vehicle (pickup van) in question. He further submits that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 20.01.2026.

5 Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Section 103/105 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 Judge, Exclusive Excise Court No.-II, Sitamarhi in connection with Sursand P.S. Case No. 41 of 2026, 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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