

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16178 of 2026

Arising Out of PS. Case No.-328 Year-2025 Thana- BHELDI District- Saran

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Mukesh Mahto Son of Manik Chand Mahto @ Ladai Mahto Resident of
village- Murli Sirisiya, Ps- Bheldi, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2026 Heard Mr. Mrityunjay Kumar Tiwary, learned
counsel for the petitioner and Mrs. Anita Kumari, learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
24.01.2026, in connection with Bheldi P.S. Case No. 328 of
2025, F.I.R. dated 17.12.2025 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act, 2016.

3. Recovery is of 60 litres of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 recovery has been



made near Sirisiya Bandh and petitioner has been made accused on the basis of disclosure made by local choukidar/villager and except the disclosure made by local choukidar/villager, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and altogether 60 litres of country made liquor was recovered from the place of occurrence and the petitioner is in custody since 24.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one.

6. Considering the facts and circumstances of the case and the fact that the name of the petitioner has been transpired on the basis of disclosure made by local choukidar/villager, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st, Siwan in connection with Bheldi P.S. Case No. 328 of 2025, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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