

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17846 of 2026

Arising Out of PS. Case No.-56 Year-2026 Thana- Excise P.S. District- Madhubani

Ajay Kumar Mahto S/O Suresh Mahto R/O -Kotwali Chowk, Ward No- 42,
P.s- Town, Dist- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Archna Aanand, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-03-2026 Heard Ms.Archna Aanand, learned counsel for the
petitioner and Ms.Shaheen Begum, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
02.02.2026 in connection with Sadar Excise P.S. Case No. 56 of
2026, F.I.R. dated 01.02.2026 arising out of G.O. Case No. 331
of 2026 registered for the offence punishable under Sections
30(a), 32(c), 36 and 45 of Bihar Prohibition and Excise Act.

3. Recovery is of 62.775 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR as well as the seizure list that nothing has been
recovered from conscious possession or the house of the
petitioner rather the recovery has been made from the house of
co-accused person, namely, Raja Ram Mandal and the petitioner



has been made accused in the present case merely on the ground that he was present in the house of co-accused person, namely, Raja Ram Mandal. Learned counsel for the petitioner submits that there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 02.02.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 learned Judicial Magistrate, Madhubani in connection with Sadar Excise P.S. Case No. 56 of 2026, F.I.R. dated 01.02.2026 arising out of G.O. Case No. 331 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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