

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19101 of 2026

Arising Out of PS. Case No.-86 Year-2026 Thana- DIGHA District- Patna

Santosh Mahto Son of Chulhai Mahto R/O - Kanchanpur, P.S. - Bidupur,
Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya, Advocate
For the State : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-03-2026 Heard Mr. Mithilesh Kumar Arya, learned counsel
for the petitioner and Ms. Pronoti Singh, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
01.02.2026, in connection with Digha P.S. Case No. 86 of 2026,
F.I.R. dated 01.02.2026 registered for the offences punishable
under Sections 30(a)\ of the Bihar Prohibition & Excise Act.

3. Recovery is of 2000 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that 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.
In fact, nothing has been recovered from the conscious



possession of the petitioner rather recovery has been made from the boat in question and the petitioner is not the owner of the boat in question. He further submits that co-accused person namely, Kishan Kumar who was apprehended along with the petitioner has been granted bail by this Court vide order dated 24.03.2026 passed in Cr. Misc. No. 18349 of 2026 and there is non compliance of Section 103 of the B.N.S.S., 2023 and the petitioner is in custody since 01.02.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Section 103 of the BNSS, 2023 as well as similarly situated co-accused person has been granted bail by a Coordinate Bench of this Court, 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 Exclusive Special Judge, Excise-II, Patna in connection with Digha P.S. Case No. 86 of 2026, 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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