

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22448 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- NADI P.S. District- Patna

1. Suresh Mahto S/O Sitaram Mahto R/O Village- Gulmahiyabag, P.S- Nadi and Distt.- Patna.
2. Anil Mahto S/O Late Jattu Mahto R/O Village- Gulmahiyabag, P.S- Nadi and Distt.- Patna.

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Jay Ram Prasad, learned counsel for the petitioners and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 25.02.2026 in connection with Nadi P.S. Case No. 58 of 2026, F.I.R. dated 15.02.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Recovery is of 210 liters of illicit liquor.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been 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 petitioners rather the recovery of 210 liters of illicit liquor has been made from the place of occurrence. He further submits that the name of the petitioners have been transpired on the basis of secret information and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioners in the present occurrence. It appears from the seizure list that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioners are in custody since 25.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carries one criminal antecedent other than the present one but fairly submits that they are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City in connection with Nadi P.S. Case No. 58 of 2026 subject to the following conditions:-



i. petitioners 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 petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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