

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24317 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- RAIL PS JAYNAGAR District-
Madhubani

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1. Kishundev Mahto @ Krishandev Mahto @ Bulla S/o Late Jagdish Mahto
R/o Ward No 16, Near 13 Number Gumti, PS- Rajnagar, Distt- Madhubani
 2. Punita Devi W/o Raghuvir Mahto R/o vill- Ganhar, P.S.- Andhrathari, Dist.-
Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who is in custody since
02.03.2026 in connection with Jaynagar Rail P.S. Case No. 20
of 2026 for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act

3. The prosecution case, in brief, is that informant on
01-03-2026 on the instruction of SHO and LTF Incharge
informant along with escort party and other police force started
checking Train No. 13032. At about 19.00 p.m., the escort party
entered into the third coach from behind the train and found that
some bags are lying in the gallery of latrine and seeing the



police one female and one male person managed to flee away who have been apprehended. On query, they disclosed their names as petitioners. Thereafter search was made and total 273.6666 liter illegal wine has been recovered from 10 plastic bags. Accordingly seizure list was prepared.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioners and recovery has been made from the train in question and petitioners have been made accused in this case on the basis of suspicion and it appears from seizure that recovery has been made from the gallery of latrine of the train in question and petitioners have no concern at all with the alleged recovery of liquor and there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and seizure list witnesses are police personnel and petitioners are in custody since 02.03.2026.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner no. 1 has antecedent of two cases other than the present case and



petitioner no. 2 has antecedent of one case other than the present case but fairly submits that petitioners are on bail in all the pending matters.

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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise), Madhubani in connection with Jaynagar Rail P.S. Case No. 20 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 their 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)

Gaurav Sinha/-

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