

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23365 of 2026

Arising Out of PS. Case No.-38 Year-2026 Thana- MANIHARI District- Katihar

Chhotelal Mahto @ Chottelal Mahto Son of Late Deva Ram Mahto @ Late
Deva Singh R/o Naya Tola, Ward no. 02, Manihari, P.S. - Manihari, Dist. -
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2026

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for
grant of regular bail in connection with Manihari P.S. Case no.
38 of 2026 registered under section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant states
that on receiving information about some persons dealing in
liquor, a raid was conducted. Seeing the police personnel while
the other accused managed to escape abandoning the boat in
which they were carrying liquor, it is stated that one person
namely Mahesh Mahto was arrested. He disclosed the name of



the four accused who had managed to escape which included the petitioner herein. A total of 402.125 litres of liquor was recovered.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. He was neither arrested at the spot nor any incriminating article has been recovered from his possession. The only material against him is the statement of the coaccused made before the police. The petitioner is in custody since 11.2.2026 and has no criminal antecedent. He undertakes to cooperate in the trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., the petitioner not having been arrested at the spot, no incriminating article having been recovered from his possession and especially the petitioner not having any criminal antecedents, the Court directs the petitioner to be enlarged on bail in connection with Manihari P.S. Case no.38 of 2026 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court-II, Katihar on the following condition;

i. In case it subsequently transpires that the petitioner



had an antecedent under the Bihar Prohibition and Excise Act
2016, the prosecution will be at liberty to move this Court for
cancellation of bail of the petitioner.

(Partha Sarthy, J)

Bibhash

U		T	
---	--	---	--

