

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25790 of 2026

Arising Out of PS. Case No.-217 Year-2026 Thana- MADHAURAH District- Saran

Surendra Mahto @ Surendar Mahato S/O Late Jitan Mahato @ Jitan Mahto
R/O Vill.- Amnour Dih harnarayan, P.S.- Amnour, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Wasi Mohammad, Adv.

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Marhowra P.S. Case No. 217 of 2026 registered for the offence punishable under Sections 338, 336(3), 304(2) of the B.N.S., 2023 and Sections 30(a), 41(1), 33 and 34 of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that from a Scorpio vehicle, altogether 800 liters of spirit were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the petitioner is neither owner nor



driver and was not in the alleged vehicle. He further submits that the brother of the petitioner has filed a petition before S.P., Saran, stating that the petitioner has been falsely implicated in this case and proper investigation and CDR location should be collected, which will go to show that the petitioner was at the place of the occurrence at the time of recovery. He further submits that the witnesses of the seizure list are police personnel, and the police have not complied with Section 105 of the BNSS while making the seizure. Moreover, the petitioner is languishing in judicial custody since 14.03.2026.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner has criminal antecedent of six cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail **with the condition that the petitioner shall not indulge himself in similar nature of offences in future and shall also cooperate in the court below.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge,



Saran at Chapra in connection with Marhowra P.S. Case No.
217 of 2026.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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