

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28826 of 2026

Arising Out of PS. Case No.-104 Year-2026 Thana- RASULPUR District- Saran

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1. Sanchay Mahto @ Sanchey Mahato S/O Late Ramdhari Mahto R/O Village- Rasulpur, P.S.- Rasulpur, District- Saran
 2. Bache Mahto @ Bachey Mahato @ Bachcha Mahato S/O Late Ramdhari Mahto R/O Village- Rasulpur, P.S.- Rasulpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2026 Heard Mr. Brajesh Kumar Singh, learned counsel for the petitioners and Mr. Ram Sevak Choudhary, learned APP for the State.

2. Petitioners seek bail, who are in custody since 04.04.2026, in connection with Rasulpur P.S. Case No. 104 of 2026, F.I.R. dated 03.04.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2022.

3. Recovery is of 63 litres of *Banti Babli country made* liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R.



as well as seizure list that recovery has been made from the cartoon in question and altogether 63 litres of Banti Babli country made liquor was recovered from the place of occurrence and petitioners have been made accused in the present case merely on the basis of suspicion. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 04.04.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries two more cases of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner no. 1 is on bail in the pending matters and petitioner no. 2 having clean antecedent.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Rasulpur P.S. Case No.



104 of 2026, subject to the following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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