

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34675 of 2026

Arising Out of PS. Case No.-194 Year-2025 Thana- KHUTAUNA District- Madhubani

Shiv Kumar @ Shiv Kumar Mahto S/O Late Ramchandra Mahto @
Ramsundar Mahto R/O Village- Mahuliya, Ward No. 12, P.S.- Phulparas,
Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

2. The petitioner has prayed for bail in connection
with Khutauna P.S. Case No. 194 of 2025 registered for the
offence punishable under Sections 274, 275 & 3(5) of the BNS
& Section 30(a) of the Bihar Prohibition & Excise Act.

3. The case of the prosecution, in short, is that from
an Auto altogether 540 litres illicit foreign liquor was recovered.

4. Learned counsel appearing on behalf of the
petitioner has submitted that the driver of the auto managed to
escape and he was not apprehended on the spot. He has further
submitted that nothing has been recovered from possession of
the petitioner. Learned counsel for the petitioner has further



submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of the BNSS while making seizure. Learned counsel for the petitioner has further submitted that the petitioner has been framed in this case only because he is the owner of the seized auto. Petitioner has no criminal antecedent of similar nature and he is in judicial custody since 12.03.2026.

5. The application for bail is opposed by learned APP for the State.

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 offence in future.** 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 court of learned Special Judge (Excise Act), Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No.194 of 2025.

(Ashok Kumar Pandey, J)

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