

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32845 of 2026

Arising Out of PS. Case No.-216 Year-2026 Thana- RIVILGANJ District- Saran

Bhim Mahto Satrudhan Mahto @ Satrudhan Mahto R/O village - Sahebganj
Adda no - 2 P. S - Town, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Mr. Hemant Kumar, learned counsel for the

petitioner and Mr. Tapeswar Sharma, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.04.2026 in connection with Rivilganj P.S. Case No. 216 of
2026 for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The case of the prosecution, in brief, is that the
police received a secret information that petitioner along with
other person is selling illicit liquor in Sahebgang, Sonarpatti.
Acting upon that information police reached on the spot. In the
meantime, two persons were started to flee away from there
upon seeing the police party. After chase, they were
apprehended on the spot. Upon searching the said place. Police



recovered 100 liters country made liquor from the conscious possession of petitioner which was duly seized.

4. Learned counsel for the petitioner submits that from perusal of the FIR and seizure list it appears that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from Diyara Area. It is next submitted that petitioner has no concern at all with the present occurrence and petitioner has been made an accused in the present case on the basis of suspicion. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 14.04.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of three cases other than the present case but fairly submits that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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 Court of



2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Rivilganj P.S. Case No. 216 of 2026, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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