

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33338 of 2026

Arising Out of PS. Case No.-42 Year-2026 Thana- MOHANPUR District- Samastipur

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Harendra Mahto S/O Kailash Mahto R/o - Hardaspur, P.S - Mohanpur, Dist-
Samastipur, Bihar-848101

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Piyush Kumar Pandey, Advocate
For the Opposite Party : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Mohanpur P.S.

Case No.42 of 2026 registered under Section 30(a) of Bihar

Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 186.27 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioner that the name of petitioner arrayed solely on

the disclosure made by the local people. It is also submitted



that the recovery of illicit liquor was made from *thatched hut* located in open field which is easily accessibly by general public. It is further submitted that the petitioner is neither present at the spot nor the petitioner is in any way connected with alleged recovered liquor. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further argued that no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, who is a man of clean antecedent, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Special Judge Excise 2nd, Samastipur, in connection with Mohanpur P.S. Case No.42 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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