

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37654 of 2026

Arising Out of PS. Case No.-130 Year-2026 Thana- BATHNAHA District- Sitamarhi

Mahesh Prasad, aged about 60 years, Gender-male, Son of Ram Pragash Mahto, Resident of village - Kanhauli, P.S.- Kanhauli, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-07-2026 Heard Mr. Virendra Kumar, learned counsel appearing on behalf of the petitioner and Mr. Damodar Prasad Tiwary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bathnaha P.S. Case No. 130 of 2026 registered for the offence punishable under Sections 30 (a) and 37(b)(c) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 375 ML of illicit foreign liquor from a vehicle bearing Registration No. BR06PC7153, registered in the name of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been implicated in the present case on the basis of registration certificate of the vehicle. Petitioner is not named in the FIR. Petitioner has no



concern with the alleged seized liquor nor he is involved in trade of liquor in any manner. Petitioner had rented his vehicle for marriage purpose and he had no knowledge that his vehicle is being misused for carrying illicit liquor. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, as well as, the quantity of liquor recovered and the fact that the petitioner is not named in the FIR, he has been implicated in the present case on the basis of registration certificate of the vehicle. Petitioner has clean antecedent and also the fact that the State has failed to implement its liquor policy in its true spirit, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Bathnaha P.S. Case No. 130 of 2026, subject to the condition as laid down under Section



482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. The present bail application is disposed of.

(Purnendu Singh, J)

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