

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39928 of 2026

Arising Out of PS. Case No.-108 Year-2026 Thana- KHAIRA District- Saran

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Baliram Mahto S/o- Late Nagina Mahto R/o - Khaira Khanpur, P.S - Khaira,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Sanjay Kumar Jha, learned counsel for

the petitioner and Mr. Umanath Mishra, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
01.05.2026, in connection with Khairah (Khaira) P.S. Case No.
108 of 2026, F.I.R. dated 02.04.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act.

3. Recovery is of 10.00 litres of illicit country made
liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the



conscious possession of the petitioner rather recovery has been made from the place of occurrence and the name of the petitioner has been transpired on the basis of disclosure made by local choukidar and except the aforesaid nothing cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. It appears from the seizure list that the seizure list witnesses are Bihar Home Guard police personnel so there is non compliance of Section 103 and 105 of the B.N.S.S. and the petitioner is in custody since 01.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner as well as there is non compliance of Section 103 and 105 of the B.N.S.S. , let the petitioner, above named, 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 3rd Exclusive Special Excise Court, Saran at Chapra, in connection with Khairah



(Khaira) P.S. Case No. 108 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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)

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