

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40734 of 2026

Arising Out of PS. Case No.-73 Year-2026 Thana- MADHWAPUR District- Madhubani

Satya Narayan Mahto Son of Ram Prit Mahto Resident of Village- Balawa,
P.S.- Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.05.2026 in connection with Madhwapur P.S. Case No. 73 of
2026 for the offences punishable under Sections 274 and 275
B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. According to prosecution case, the informant
namely, Dheeraj Patel, son of Shiv Shambhu Singh, who is
presently posted as A.S.I. of Madhwapur Police Station. He
filed a written petition before the S.H.O. Madhwapur Police
Station Madhubani and on the basis of his written petition F.I.R.
lodged by the S.H.O. against the petitioner Levelled allegation
informant presently posted 48 Bahine Battalion SSB Jaynagar
Sananya BOP Binai On 02.05.2026 Informant alongwith three



associated police force proceeded patrolling Border Pillar NO.293/1 towards India Side village Brahmpur. During patrolling one person coming India side loaded sack on his head. That the informant saw the person started fleeing away left his Back Naka party chased and arrested to the petitioner, Nepali Shofi liquor kept in sack. That two independent witness not present on the spot but two constables made seizure list witness total 180 litre Nepali country made liquor was seized.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the place of occurrence and altogether 180 liters of liquor was recovered. 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 03.05.2026.

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 one case other than the



present case but fairly submits that the petitioner is on bail in the pending matter.

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 Exclusive Special Judge, Excise Court, Madhubani in connection with Madhwapur P.S. Case No. 73 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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