

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42846 of 2026

Arising Out of PS. Case No.-101 Year-2023 Thana- LAKHNAUR District- Madhubani

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Lalu Mahto @ Shailendra Mahto @ Shailendra Kumar Sahukla Son of
Rajendra Mahto @ Rajendra Prasad Resident of village- Rupauli, Ps-
Lakhnaur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.04.2026 in connection with Lakhnaur P.S. Case No. 101 of
2023 for the offences punishable under Sections 272, 273, 34 of
IPC and Sections 41(1)(2), 47, 30(a) of the Bihar Prohibition
and Excise Act, 2018.

3. Recovery is of total 301.26 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. It
appears from the FIR that altogether 301.26 liters of foreign
liquor was recovered from the place of occurrence. Learned
counsel for the petitioner next submits that name of the



petitioner has transpired in the present case on the basis of disclosure made by apprehended co-accused person, namely, Vishal Kapoor and except the aforesaid nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence. 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 09.04.2026.

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 six cases other than the present case but fairly submits out of six cases petitioner is on bail in four cases and the rest two cases are pending for consideration before the court of competent law.

6. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has transpired in the present case on the basis of disclosure made by apprehended co-accused person, 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 Special Judge, Excise Act, Jhanjharpur, District-Madhubani in connection with Lakhnaur P.S. Case No. 101 of 2023, 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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