

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42824 of 2026

Arising Out of PS. Case No.-177 Year-2026 Thana- Gaura P.S. District- Saran

Yogendra Mahto, S/o Vishwanath Mahto, Resident of Village- Masaha, Shio
Mohammadpur, P.S.- Gaura, District- Saran at Chhapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 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 Gaura P.S. Case
No.177 of 2026 registered under Section 30(a) of the 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 37 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for
the petitioner that the seized illicit liquor was recovered
behind the house of one namely, Kundan Nut. It is



submitted that being an open place, it is accessible to the general public and, therefore, it cannot be said that the alleged recovery was made from the conscious possession of the petitioner. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioner surfaced solely on the disclosure made by a local Chaukidar. The petitioner has one criminal antecedent, in which, he is on bail.

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

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, 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 the learned Exclusive Special Excise, Court-II,



Saran at Chhapra in connection with Gaura P.S. Case No.177 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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