

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42013 of 2026

Arising Out of PS. Case No.-430 Year-2021 Thana- DHAKA District- East Champaran

Rajesh Mahato S/O Chandeshwar Mahato R/O Village- Hirapatti, P.S-
Pachpakari, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026 Heard Mr. Ramakant Yadav, learned counsel for the

petitioner as well as Mr. Parmanand Kumar, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.04.2026 in connection with Dhaka P.S. Case No. 430 of
2021, F.I.R. dated 27.08.2021 for the offences punishable under
Sections 41/34 of the Bharatiya Nyay Sanhita, 2023 and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 262.500 liters of Nepali liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 the recovery has



been made from Magic Pick-up Van and scooty in question and the petitioner has been made accused merely on the basis of disclosure made by co-accused persons who stated that they are going to supply the alleged liquor to the petitioner. He further submits that similarly situated co-accused persons, namely, Pramod Mahto @ Kamod Mahto and Mukesh Sahani have been granted the privilege of bail by this Court vide order dated 03.03.2022 and 07.03.2022 in Cr. Misc. No. 61923 of 2021 and Cr. Misc. No. 64370 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 03.04.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

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 Excise Court No-3, East Champaran, Motihari in



connection with Dhaka P.S. Case No. 430 of 2021, 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)

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