

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44034 of 2026

Arising Out of PS. Case No.-355 Year-2026 Thana- CHAPRA MUFFASIL District- Saran

Krishana Mahto @ Krishna Mahto Son of Ramji Mahto Resident of Village -
Hasanpurwa (Chanchaura), P.S.- Chapra Muffasil, District - Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Ms. Shweta Anand, learned counsel for the

petitioner and Mr. Nand Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.06.2026 in connection with Chapra Mufassil P.S. Case No.
355 of 2026, F.I.R. dated 26.05.2026 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 180 liters of illicit country liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by the local
chowkidar. She further submits that as per the allegation in the
FIR, this petitioner along with other accused person escaped
from the place of occurrence and it also 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 the co-accused persons. It appears from the seizure list that seizure list witnesses are police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 07.06.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine criminal antecedents other than the present one but fairly submits that he is on bail in all the pending 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 1st Special Judge Excise, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 355 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)

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