

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49140 of 2026

Arising Out of PS. Case No.-190 Year-2026 Thana- DIGHWARA District- Saran

Umesh Mahto @ Umesh Kumar @ Umesh Kumar Mahto S/o Brahamdev
Mahto Resident of Village- Mirpur Bhuwal, P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Dighwara P.S. Case No. 190 of 2026 lodged on 10.05.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. Total recovery of 65.76 litres of illicit liquor has been made from nearby the house of the petitioner, which is the subject matter of the present case. It is further alleged that one person was apprehended but as per the prosecution, petitioner escaped. Thereafter, search was made and seizure list was prepared in the presence of two witnesses.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Counsel further submits that the petitioner has nothing to do with the alleged liquor, but a mere co-incidence that recovery has been made from nearby the house of the petitioner. Counsel lastly submits that the petitioner has clean antecedent.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. Taking into account that although the recovery has been made from near the house of the petitioner, but his name has been encrypted in the F.I.R. on the basis of the confessional statement of co-accused Dharmendra Kumar.

7. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of learned Addl. Sessions Judge-cum-Exclusive Special Court Excise Act-1, Saran at Chapra in connection with Dighwara P.S. Case No. 190 of 2026, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 and also subject to the following conditions:



(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and also co-operate in the process of trial.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The Petitioner shall not commit offence of a similar nature in future.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar, J)

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