IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79573 of 2026

CNR No. BRHC011034202026

Arising Out of PS. Case No.-89 Year-2025 Thana- KAUWAKOL District- Nawada

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Naga Mahto @ Sumant @ Jaymant Kumar S/O Harihar Prasad @ Harihar Mahto R/O Vill.- Sokhodewra, P.s.- Kawakol, Dist.- Nawada, 805106

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Muskan Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 18-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kawakol P.S. Case No. 89 of 2025 registered for the offences punishable under Sections 30(a) / 37 of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 27 litre foreign liquor and 17.500 litre Beer were recovered from the Hero HF Deluxe Motorcycle bearing Registration No. JH-11AP-0990 which was being driven by the apprehended co-accused Sadhu Turiya. Further, 22.500 litre foreign liquor was also recovered from Hero Splendor Plus motorcycle bearing engine no. HA11EDMHH22119 and 27 litre foreign liquor was also recovered from Hero Splendor

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Plus motorcycle bearing Registration No. JH-12A-3221. The apprehended co-accused, namely, Sadhu Turiya, disclosed that he was transporting the alleged liquor to deliver to the petitioner and other.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case. Learned counsel further submits that petitioner is not the owner of any of the seized motorcycles in question. Petitioner is not in any way connected with the seized motorcycles or seized liquor. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. Petitioner is in custody since 31.07.2026 and he bears criminal antecedent of four cases out of which petitioner is on bail in two cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused person and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the

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case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge - II, Nawada in connection with Kawakol P.S. Case No. 89 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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