IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73377 of 2026

CNR No. BRHC011061202026

Arising Out of PS. Case No.-353 Year-2026 Thana- SITAMARHI District- Sitamarhi

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Raj Kumar Mahto S/o Kishori Mahto R/o Village- Madhesra, ward no. 13, P.S- Bhuthi, Distt- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with Sitamarhi P.S. Case No.353 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The case of the prosecution, in short, is that from a Toyota Etios car, altogether 109.965 litres of illicit foreign liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that

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nothing has been recovered from the possession of the petitioner. It has been submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of the BNSS while making seizure. It has been submitted that the petitioner is in judicial custody since 05.09.2026.

5. The application for bail is opposed by learned APP for the State. It has further been submitted that the petitioner is having criminal antecedent of nine cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with the following conditions:-

(i) the petitioner shall co-operate in the trial;

(ii) he shall remain physically present on each and every date in the learned trial court, whenever required;

(iii) he shall also mark his weekly attendance at Sitamarhi P.S. and

(iv) one of the bailors should be near relative of the petitioner.

7. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the

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satisfaction of the court of learned Exclusive Excise, Court No.-III, Sitamarhi in connection with Sitamarhi P.S. Case No. 353 of 2026.

8. Office is directed to communicate this order to the S.P., Sitamarhi.

(Ashok Kumar Pandey, J)

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