IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76477 of 2026

CNR No. BRHC011062022026

Arising Out of PS. Case No.-456 Year-2026 Thana- SURSAND District- Sitamarhi

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Krishna Mahto Son of Vishwanath Mahto Resident of Village- Maruahi, Ward No. 10, P.S.- Jaleshwar, District- Mahotri (Nepal)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sursand P.S. Case No. 456 of 2026 instituted for the offences punishable under Sections 317(5), 318(4), 338, 336(3), 111, 3(5) of the Bharatiya Nyaya Sanhita and 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 486 litres of liquor was recovered from three motorcycles.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious

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possession of the petitioner. Learned counsel further submitted that petitioner is in no manner connected with the vehicles in question or the alleged recovery of liquor. The petitioner is in custody since 05.09.2026 and has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed,*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sursand P.S. Case No. 456 of 2026, subject to the following conditions:

(I) One of the bailors shall be the deponent of the present bail application, namely, Lalan Mahto, who is the cousin of the petitioner.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two

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consecutive dates without sufficient cause.

(III) The petitioner shall not commit any offence of a similar nature in future.

(IV) The petitioner shall not leave the territorial jurisdiction of the learned court below without prior permission of the court concerned.

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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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