IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77285 of 2026

CNR No. BRHC011115442026

Arising Out of PS. Case No.-251 Year-2019 Thana- KRITYANAND NAGAR District-Purnia

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Ashok Mahaldar @ Ashok Singh S/O Sri Baldev Mahaldar R/O Vill.- Begambad/Begambagh, Singhiya Tola/Basti, ward no. 46, P.s.- Sadar, Dist.- Purnea.

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Mritunjay Kumar, Adv.
For the Opposite Party/s : Mr.Akbar Ali, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner as well as learned A.P.P. for the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 272 and 273 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the allegations made in the F.I.R., 143.130 litres of country-made foreign liquor was recovered from the Magic Carrier Vehicle.

4. Learned counsel for the petitioner submits that the petitioner has been implicated in this matter on the basis of the information given by the driver of the said vehicle. Learned

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counsel further submits that the petitioner is the owner of the vehicle and has not been apprehended at the spot. Learned counsel further submitted that the driver has named Ashok Singh as the owner of the vehicle when name of the petitioner is Ashok Mahaldar as stated in paragraph-5 of the bail petition. Learned counsel for the petitioner further submits that the petitioner undertakes to cooperate with the investigation as well as in the trial and not to repeat the offence. Learned counsel further submits that the petitioner was made accused in eight cases in which he has already been granted bail, that is the reason why in this case he has been implicated.

5. The petitioner has been in judicial custody since 31.08.2026.

6. Learned A.P.P. on behalf of the State has opposed the application.

7. Taking into consideration the entire facts and circumstances of the case since no recovery has been made from his conscious possession, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Learned Exclusive Special Judge (Excise-01), Purnea or concerned Court, in connection with Krityanand

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Nagar P.S. Case No. 251 of 2019, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than eight cases as mentioned in paragraph-3 of the main bail petition he shall not be released.

The cases mentioned in paragraph-3 are as follows :-

(1) Mufassil P.S. Case No. 310 of 2017.

(2) Dagarua P.S. Case No. 49 of 2020.

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(3) Mufassil P.S. Case No. 167 of 2021.

(4) Sadar P.S. Case No. 758 of 2022.

(5) Sadar P.S. Case No. 980 of 2022.

(6) Mufassil P.S. Case No. 265 of 2024.

(7) Mufassil P.S. Case No. 33 of 2025.

(8) Sadar P.S. Case No. 425 of 2025.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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