

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89703 of 2025

Arising Out of PS. Case No.-551 Year-2025 Thana- BANJARIA District- East Champaran

Mantu Kumar S/o Birendra Patel Resident of village - Ratanpur, P.S -
Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-01-2026 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Banjariya P.S. Case No. 551 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, in the course of patrolling, a total of 400 litres of country-made liquor was recovered from a *toto* vehicle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has no concern whatsoever with the recovered liquor as no incriminating article was recovered from his conscious possession. It is

further submitted that the petitioner was merely the driver of the vehicle and had no knowledge of the contents kept in the *toto* and that he was only obeying the order of his master. The learned counsel lastly submits that the petitioner has one criminal antecedent but not of similar nature and he is in custody since 19.10.2025.

5. The petitioner is willing and undertakes to deposit a sum of Rs. 2,500/ with the Advocate Association, Patna High Court.

6. The learned A.P.P. has vehemently opposed the prayer for bail.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 19.10.2025, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Banjariya P.S. Case No. 551 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his

close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Advocate Association, Patna High Court.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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