

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89790 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- SHIVAJINAGAR District- Samastipur

Mahesh Mandal S/o Late Babajee Mandal Resident of Village - Parsa, P.S -
Shivajinagar (Shivajeenagar), District – Samastipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 26-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A copy of the counter affidavit filed on behalf of the Superintendent of Police, Samastipur has been produced by the learned APP for the State, although the same has already been filed through online and is on record. A supplementary affidavit has also been filed by the learned counsel for the petitioner bringing on record that various co-accused persons have been granted anticipatory/regular bail by coordinate Benches of this Court.

3. The petitioner seeks bail in a case registered for the offence punishable under Sections 336(3)/274/275/3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

4. Acting on a tip-off, the police recovered 1330.2 liters of foreign liquor from an orchard while the same was being unloaded.

5. It is submitted by learned counsel for the petitioner that as many as 20 persons have been made accused in this case



with regard to recovery of 1330.2 liters of foreign liquor being unloaded from a Bolero pick-up van. It is further submitted that the petitioner is neither the owner of the said pick-up van nor the illicit liquor. Petitioner was not arrested on the spot and the name of the petitioner transpired only on the basis of secret information. Petitioner is in custody since 07.11.2025 with one criminal antecedent of the similar nature of the offence in which he is on bail.

6. Learned APP for the State opposed the bail petition on the ground of quantum of seizure.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that several similarly situated co-accused have been granted bail and there is no recovery from the conscious possession of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 with Shivajinagar P.S. Case No.74 of 2025.

(Soni Shrivastava, J)

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