

The Court of Special Judge-II (Excise Act), Darbhanga

G.O. B.P Case No. 641 of 2026

L.sarai P.S Case no. 231 of 2026

1. Kanhaiya Mahto S/o late Jagdish Mahto.....petitioner.

Versus

The State of Bihar

.....Opposite Party

For the Petitioner:- Sri Karan Gupta, Ld. Advocate

For the Opposite Party (State) :- Sri Hemant Kumar, Special P.P.

ORDER

28.04.2026

1. The present bail application has been filed on behalf of accused petitioner namely Kanhaiya Mahto in **L.sarai P.S Case no. 231 of 2026** u/s 37 of Bihar Prohibition and Excise Act. He is stated to be in custody since 26.04.2026

2. It is submitted on behalf of the petitioner that the petitioner is quite innocent and has committed no offence. The entire allegations as made and framed against the petitioner is totally false and baseless. Nothing has been recovered from the possession of the petitioner. The petitioner has one previous criminal antecedent.

3. Learned Special P.P. opposed the prayer of the petitioner for grant of bail.

4. Heard both sides and perused the case record.

5. From perusal of F.I.R. and seizure list, it appears that on 25.04.2026 at about 07:00 pm, when the informant reached at Andheriyabagh, he saw that some persons were making noise. On seeing the police, some persons tried to flee away but were apprehended including petitioner. His mouth was smelling. He was tested with breadth analyzer machine, he was found intoxicated with 218 mg/100 ml. The petitioner was arrested at the spot.

6. The petitioner is in custody since 26.04.2026. The petitioner has one previous criminal antecedents as per para 18 of the case diary. I am of the view that further detention of this accused petitioner is not going to serve any fruitful purpose to prosecution.

7. Therefore, considering no recovery from his possession, and period of custody, his bail application is allowed. The petitioner Kanhaiya Mahto is directed

to be released on bail on **his furnishing bail bond of Rs. 10,000/- (Rupee Ten Thousand) with two sureties of the like amount with following conditions:-**

- (i) That one of the bailor of the petitioner shall be local/villager/relative.**
- (ii) That the petitioner shall file an undertaking that he will not indulge in similar nature of case in future otherwise his bail bond will be cancelled.**
- (iii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond would be liable to be cancelled.**

(Dictated)

I/C Exclusive Special Judge-II(Excise Act),
Darbhanga
28.04.2026