

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72788 of 2025

Arising Out of PS. Case No.-266 Year-2025 Thana- KAUWAKOL District- Nawada

1. Jangali Mahto @ Jangali Prasad S/O Heeralal Mahto @ Heero Mahto
Resident of village- Darawan, P.S. Kawakol, District- Nawada.
2. Sajay Chaudhari S/O Karu Chaudhari R/O Vill.- Palsa, Parsa, P.S.-
Chandradeep, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-10-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 317(4) and
111(4) of the BNS, 2023 read with Section 30(a) of the Bihar
Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases and petitioner no. 2
has antecedent of four cases and allegation is of recovery of 750
liters of liquor from ten motorcycles.

4. Learned counsel for the petitioners submits that
petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and are not the owner of any of the seized vehicle and they came to be implicated based on secret information which is the easiest way to implicate someone. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding proper investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Kawakol (Kawakole) P.S. Case No. 266 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has antecedent of more than four cases then it would be presumed that petitioners, for the



purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner no. 1 has antecedent of only two cases and petitioner no. 2 has antecedent of only four cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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