

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76315 of 2025

Arising Out of PS. Case No.-243 Year-2025 Thana- BHAGWANPUR HAT District- Siwan

Shailendra Kumar Mahato S/O Late Vikarma Mahato @ Vindeshwari Mahato
Resident of Village - Maghar, P.S. - Bhagwanpur Hat, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition & Excise Amendment Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 186.4 litres of liquor from a car and a motorcycle. It
is next submitted that petitioner was not arrested from the spot,
as such, nothing was recovered from his conscious possession
and he came to be implicated based on the fact that he is owner
of the seized motorcycle. It is next submitted that no prudent
person would use his own vehicle for committing a crime and
thus, would create evidence against himself and hence, would



get implicated. It is also submitted that petitioner was completely unaware that Ashish Kumar Mahto would misuse the vehicle in the manner as alleged who was also apprehended from the spot.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Siwan in connection with Bhagwanpur Hat P.S. Case No.243 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining



anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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