

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77851 of 2025**

Arising Out of PS. Case No.-183 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Ajay Mahto S/o Late Ram Lakhan Mahto R/o Village- Thumma, Ward No.07,  
P.S- Runnisaidpur (New P.S- Gadha @ Garha), Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      27-11-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner apprehends his arrest in a case registered  
for the offences punishable under Sections 30(a), 32, 38 and 41  
of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that  
petitioner is a person with antecedent and allegation is of  
recovery of 500.19 litres of liquor from two different vehicles  
and from the house of the petitioner. It is next submitted that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession and is not the owner of  
the seized vehicles and the house in question is a joint family  
property, as such, it cannot be alleged with certainty that it was  
the petitioner who had kept the liquor in the house or the liquor



kept in the house was within his knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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-I, Sitamarhi in connection with Runnisaidpur P.S. Case No.183 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

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)**

*Sanjay/-*

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

