

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80151 of 2025

Arising Out of PS. Case No.-445 Year-2023 Thana- CHIRAIYA District- East Champaran

Rajesh Mahto S/O Late Chaturi Mahto Resident of village - Parewa Dhangad
Toli, P.S- Shikarganj, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s :		Mr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-12-2025 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), 30(b), 32 and
41(i) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 5 litres of liquor from the house of the petitioner and
300 litres of *Mahua Paas* which was destroyed. It is next
submitted that petitioner was not arrested from the spot, as such,
nothing was recovered from his conscious possession and the
house in question is a joint family property, as such, it cannot be
alleged with certainty that it was petitioner who had kept the



liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term. It is also submitted that if *Chowkidar* was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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.-3, Motihari, East Champaran in connection with Shikarganj P.S. Case No.445 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)

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