

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2063 of 2026

Arising Out of PS. Case No.-366 Year-2025 Thana- KESARIA District- East Champaran

1. RAMESH MAHTO S/O LALU MAHTO R/o vill - ward no. 10, Kesariya, P.s.- Kesariya, Distt.- East Champaran
2. Shatrudhan Mahto S/o Satyadev Mahto R/o vill - ward no. 10, Kesariya, P.s.- Kesariya, Distt.- East Champaran
3. Bisnath Mahto S/o Gopal Mahto R/o vill - ward no. 10, Kesariya, P.s.- Kesariya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 274, 275 of the B.N.S. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases under the Excise Act, petitioner no.2 has antecedent of one case under the Excise Act and petitioner no.3 is a person with clean antecedent and the allegation is of recovery of 60 litres of liquor from pansala



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4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding proper investigation.

5. Learned A.P.P. Sri Rabindra Kumar opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten 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 Kesariya P. S. Case No.366 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners 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, petitioner no.2 has antecedent of one case and petitioner no.3 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of two cases only, petitioner no.2 has antecedent of one case only and petitioner no.3 has antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel appearing on behalf of the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.9,000/- with



Lawyers’ Association, Patna High Court, Patna.

(Satyavrat Verma, J)

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