

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9238 of 2026

Arising Out of PS. Case No.-273 Year-2025 Thana- Excise P.S. District- Saran

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1. Suman Mahto S/O Mundrika Mahto @ Mudrika Mahto R/O Vill.- Rupganj Adda No 02,P.S- Rivilganj,Dist- Saran at Chapra
 2. Jetan Mahto S/O Jata Mahto R/O Vill.- Rupganj ,P.S- Rivilganj,Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8442 of 2026

Arising Out of PS. Case No.-324 Year-2025 Thana- RIVILGANJ District- Saran

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1. Suman Mahto Son of Mundrika Mahto @ Mudrika Mahto Resident of Village- Roopganj, Adda No. 02, P.S.- Ribilganj/ Rivilganj, District- Saran at Chapra
 2. Jitan Mahto Son of Jata Mahto Resident of Village- Roopganj, P.S.- Ribilganj/ Rivilganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9238 of 2026)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

(In CRIMINAL MISCELLANEOUS No. 8442 of 2026)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 30-03-2026

CRIMINAL MISCELLANEOUS No.9238 of 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 30(a) and 32(3) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of three cases out of which two cases are under the Excise Act and the allegation is of recovery of 150 litres of liquor from a boat.

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 are not the owner of the seized boat and they came to be implicated based on secret information, which is the easiest way to implicate someone. 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 a proper investigation. It is also submitted that earlier also petitioners in similar came to be implicated in cases relating to excise.

5. Learned A.P.P. 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. 15,000/- (Rupees Fifteen 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 Utpad/ Excise P. S. Case No.273 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 petitioners have antecedent of more than three cases, 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 petitioners have antecedent of three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

CRIMINAL MISCELLANEOUS No. 8442 of 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 126(2), 115(2), 109(1), 352 and 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of three cases out of which two cases are under the Excise Act. It is further submitted that for the same occurrence, Utpad/Excise P. S. Case No.273 of 2025 was instituted in which petitioners have been granted the privilege of anticipatory bail by order dated 30.03.2026 in Cr. Misc. No.9238 of 2026. It is next submitted that in the instant case though allegations are the same, but then, the case has not been instituted under the Excise Act.

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

5. After hearing the learned counsel for the parties and taking into consideration the order dated 30.03.2026 in Cr. Misc. No.9238 of 2026, 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. 15,000/- (Rupees Fifteen 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 Rivilganj/Ribilganj P. S. Case No.324 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

6. The application stands allowed.

7. 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 petitioners have antecedent of more than three cases, 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 petitioners have antecedent of three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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