

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5239 of 2026

Arising Out of PS. Case No.-353 Year-2025 Thana- RAJNAGAR District- Madhubani

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Laxman Mallik @ Laxman Kumar @ Laxmana kumar Son of Raj Kumar
Mallik Resident of village-Kasiyauna, Mallik tol, P.S- Rajnagar, Distt-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kumari Pallavi

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 274 and
275 of BNS and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases under the Excise Act and
allegation is of recovery of 117 litres of liquor from two places
out of which 9 litres of liquor is alleged to have been recovered
from a bush near Harinagar Road and 108 litres of liquor from a
motorcycle allegedly driven by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was



recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and petitioner is not the owner of the seized motorcycle and he came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Rajnagar



P.S. Case No. 353 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs. 5,000/- with Patna High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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