

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6448 of 2026

Arising Out of PS. Case No.-821 Year-2025 Thana- MADHAURAH District- Saran

1. Ramayodhya Mahto S/o Kishori Mahto R/o Village - Tehti Bin Toli, P.S - Marhowrah, District - Saran
2. Amit Mahto @ Amitabh Mahto S/o Ramnath Mahto R/o Village - Tehti Bin Toli, P.S - Marhowrah, District - Saran
3. Bhukhal Mahto S/o Kishori Mahto R/o Village - Tehti Bin Toli, P.S - Marhowrah, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-02-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 40 liters of liquor from a bag near *Tehti Bind Toli*.

4. Learned counsel for the petitioners submits that petitioners were not apprehended 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 petitioner and is accessible to villagers at large and he came to be implicated based on confessional statement of Jai Kumar in police custody which does not have any evidentiary value. It is also submitted that after amendment in the excise act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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

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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Marhowrah P.S. Case No. 821 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 petitioners and in the event if it is found that any of the petitioners have



antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioners, based on instruction, undertakes to deposit an amount of Rs. 3000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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