

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4776 of 2026

Arising Out of PS. Case No.-482 Year-2025 Thana- KESARIA District- East Champaran

1. Pavan Mahto @ Pawan Mahto S/o Jitendra Mahto R/o Village - Sagar Churaman, P.S - Kesariya, District - East Champaran
2. Jitendra Mahto S/o Varan Mahto R/o Village - Sagar Churaman, P.S - Kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2026 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 offence punishable under Sections 274, 275 BNS & Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases under the Excise Act and petitioner no.2 has antecedent of five cases under the Excise Act and allegation is of recovery of 190 litres of liquor from a chawar along with 700 litres of Mahua paas which was destroyed at the spot. It is next submitted 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 villagers at large and they came to be implicated at the instance of local person and chowkidar but then it is submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five 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.482/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners



and in the event if it is found that petitioner no.1 has antecedent of more than three cases and petitioner no.2 has antecedent of more than five cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of five cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

7. At this stage, the learned counsel for the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.5000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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