

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5858 of 2026

Arising Out of PS. Case No.-228 Year-2025 Thana- MEHANDIGANJ District- Patna

1. Godhan Kumar @ Godhan Mahto S/o Late Om Mahto Resident Of Village-Ranipur Nimal, Ps- Mehandiganj, Dist - Patna
2. Vicky Kumar @ Vicky Yadav S/o Satyanarayan Yadav Resident Of Village-Ranipur Nimal, Ps- Mehandiganj, Dist - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh
For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case under the Excise Act and allegation is of recovery of 60 litres of liquor from a sack. 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 petitioner and is accessible to villagers at large and



they came to be implicated at the instance of local person 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.5000/- (Rupees 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 Mehandiganj P.S. Case No.228/2025, 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 petitioners have antecedent of more than one case, 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 petitioners have antecedent of one case, 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, undertakes to deposit an amount of Rs.2500/- with Patna High Court Legal Aid, within a period of two weeks from today.

(Satyavrat Verma, J)

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