

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5965 of 2026

Arising Out of PS. Case No.-159 Year-2025 Thana- SONBERSA District- Sitamarhi

1. Prakash Mahto @ Pragash Mahto Son of Molhai Mahto Resident of Village- Chandpura, Ward No.4, P.S.- Bathnaha, District- Sitamarhi
2. Harindra Mahto Son of Thaga Mahto Resident of Village- Chandpura, Ward No.4, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

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 offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of six cases out of which three
cases are under the Excise Act and petitioner no. 2 has
antecedent of three cases under the Excise Act and allegation is
of recovery of 81.600 litres of liquor from three different
motorcycles.

4. Learned counsel for the petitioners submits that the



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not owners of any of the seized motorcycles and they came to be implicated based on confessional statement of apprehended-accused in police custody which does not have any evidentiary value. 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. It is also submitted that earlier also petitioners in similar manner came to be implicated.

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. 30,000/- (Rupees Thirty 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 Sonbarsa P.S. Case No. 159 of 2025, subject to the conditions as



laid down under Section 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 petitioner no. 1 has antecedent of more than six cases and petitioner no. 2 has antecedent of more than three cases 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 with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of six cases and petitioner no. 2 has antecedent of three cases 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 submits that petitioners undertake to deposit an amount of Rs. 10,000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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