

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6334 of 2026

Arising Out of PS. Case No.-530 Year-2025 Thana- TURKAULIYA District- East
Champaran

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1. Bachchalal Kumar Son of Virendra Mahto @ Birendra Mahto R/o Village -
Britiya Likanathpur, P.S. - Turkauliya, Dist. - East Champaran, Motihari.
 2. Chhotu Kumar Son of Birendra Mahto @ Virendra Mahto R/o Village -
Britiya Likanathpur, P.S. - Turkauliya, Dist. - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

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

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 274, 275 and 3(5) of the B.N.S. and Section 30(a) of
the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner no.1 is a person with clean antecedent and
petitioner no.2 has antecedent of one case under the Excise Act
and the allegation is of recovery of 48 litres of liquor from
paddy field near primary school.

4. The learned counsel for the petitioners submits 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 public at large 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 next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.5,000/- (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 Turkauliya P. S. Case No.530 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.



7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedent of more than one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel appearing on behalf of the petitioners based on instruction submits that petitioners undertakes to deposit an amount of Rs.2500/- with Advocate Association, Patna High Court, Patna within a period of two weeks.

(Satyavrat Verma, J)

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