

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6652 of 2026

Arising Out of PS. Case No.-241 Year-2025 Thana- BHAPTIAHI District- Supaul

1. Santosh Mehta @ Santosh Kumar Bachcha Lal Mehta R/o Village - Bhaptiyahi, P.S. - Bhaptiyahi, Dist. - Supaul.
2. Hariom Mehta @ Hariom Kumar Son of Ramchandra Mehta R/o Village - Bhaptiyahi, P.S. - Bhaptiyahi, Dist. - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. 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 petitioner no.1 has antecedents of two cases under the Excise Act and petitioner no.2 has antecedent of one case under the Excise Act and allegation is of recovery of 378 litres of liquor from three different motorcycles. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner



of any of the seized vehicles and they came to be implicated at the instance of Chowkidar but then it is 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.

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

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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned P.O. Exclusive Special, Excise Court-I, Supaul in connection with S.T. Excise No.1252/2025, arising out of Bhaptiyahi P.S. Case No.241 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioners shall verify



the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedents of more than two cases 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 has antecedents of only two cases and petitioner no.2 has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners, based on instruction, submits that petitioners undertake to deposit an amount of Rs.5,000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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