

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8253 of 2026

Arising Out of PS. Case No.-531 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Gyani Mahto @ Janni Mahto @ Achhelal Mahto S/o- Late Kapil Mahto R/v-
Koluwarwa W.No-1, Ps- Town, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Gupta

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered for
the offence punishable under Section 30(a) of Bihar Prohibition &
Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of three cases, out of which one case is
under the Excise Act and allegation is total recovery of 62.3 litres
of liquor as detailed in the F.I.R..

4. Learned counsel for the petitioner submits that the
petitioner was not apprehended on the spot as such recovery is not
made from conscious possession, it is next submitted that even
alleged recovery is from a place which is not belong to the
petitioner and he came to be implicated based on the confessional



statement of Anil Paswan in police custody which has not have any evidentiary value, it is also submitted one accused implicated in a case relating to excise, the police has implicated mechanically either at the instance of Chowdikar, local person or confessional statement.

5. Learned A.P.P., Mr. Ravindra Kumar, for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on Provisional Anticipatory bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Motihari, East Champaran, in connection with Town P.S. Case No. 531 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and



if it is found that petitioner has antecedent of more than three cases, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event, the provisional anticipatory bail order shall not be confirmed but it is found on verification that petitioner has antecedent of only three cases in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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