

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8387 of 2026

Arising Out of PS. Case No.-174 Year-2025 Thana- KANHAULI District- Sitamarhi

1. Rooplal @ Rooplal Mahto S/o- Late Ram Lakshan Mahto Resident Of Village- Araria Ps- Kanhauli District- Sitamarhi
2. Ramsanehi Mahto @ Sanehi Mahto S/o- Late Ram Keval Mahto Resident Of Village- Dostiya Ps- Bhutahi District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kanhauli P.S. Case No. 174 of 2025, instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 6.045 litres of Nepali liquor was recovered from plastic bag.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. The name of the petitioners transpired in this case on the basis of statement given by apprehended person. Learned counsel for



the petitioners further submitted that the recovery has been made from open place, which is accessible to public at large. The petitioners have got no concern with the alleged recovery of liquor. The petitioner No.1 has five criminal antecedents, whereas petitioner No.2 has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Learned counsel for the petitioners, therefore, contends that prima-facie no case is made out against the petitioners.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. The petitioners have several criminal antecedents of similar nature.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner No.2 namely Ramsanehi Mahto @ Sanehi Mahto, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kanhauli P.S. Case No. 174 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.



7. So far as petitioner No.1 Rooplal @ Rooplal Mahto is concerned, taking into account the criminal antecedents of similar nature, in my view, this is not a fit case for anticipatory bail, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for grant of anticipatory bail to the petitioner no.1 namely Rooplal @ Rooplal Mahto is, hereby, **rejected.**

(Rudra Prakash Mishra, J)

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