

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9446 of 2026

Arising Out of PS. Case No.-19 Year-2026 Thana- RIVILGANJ District- Saran

1. Dilip Mahto S/O Lalbabu Mahto R/o Village- Newari Tola, Dharmshala, Aada No. 2, Police Station- Revilganj, District- Saran
2. Chandan Mahto S/O Satrudhan Mahto R/o Village- Newari Tola, Dharmshala, Aada No. 2, Police Station- Revilganj, District- Saran
3. Santosh Mahto S/O Shivrath Mahto R/o Village- Newari Tola, Dharmshala, Aada No. 2, Police Station- Revilganj, District- Saran
4. Baliram Mahto S/O Lalbabu Mahto R/o Village- Newari Tola, Dharmshala, Aada No. 2, Police Station- Revilganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Revilganj P.S. Case No. 19 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, on secret information the informant proceeded to Diliya Diyara area and during search a



motorcycle in question and several polythene bags containing about 100 litres of country-made liquor were recovered and nearby people disclosed the names of the petitioners who allegedly fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. From perusal of the F.I.R., it appears that source of information is nearby people but the specific names of nearby people have not been mentioned in the F.I.R., which questions the authenticity of F.I.R. Except disclosure of nearby people, there is nothing on record to demonstrate the complicity of the petitioners in the alleged occurrence. Petitioner nos. 1, 3 and 4 bear one criminal antecedent each whereas petitioner no. 2 bears clean antecedent. He further submits that petitioners were not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioners. He further submits that the place of recovery is a *diyara* area which is an open place and the same is accessible to all and therefore the petitioners cannot be held liable for the alleged recovery. He further submits that the motorcycle in question does not belong to the petitioners. In the light of the aforesaid facts and



circumstances of the case, petitioners cannot be held liable for the same and no offence is made out as alleged in the FIR against the petitioners.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are F.I.R. named accused persons and hence, they cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioners were not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 2nd, Saran at Chapra in connection with Revilganj P.S. Case No. 19 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.



7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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