

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9976 of 2026

Arising Out of PS. Case No.-254 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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1. Sonalal Mahto Son of Rajendra Mahto Resident of village- Koirgawa, Bintoli, PS- Sangrampur, Dist- East Champaran
 2. Pannalal Mahto son of Suresh Mahto Resident of village- Koirgawa, Bintoli, PS- Sangrampur, Dist- East Champaran
 3. Hari Mahto @ Hari Kumar Mahto Son of Suresh Mahto Resident of village- koirgawa, Bintoli, PS- Sangrampur, Dist- East Champaran
 4. Chegan Mahto @ Chandarma Mahto @ Chandrika Mahto son of Suresh Mahto Resident of village- Koirgawa, Bintoli, PS- Sangrampur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 30(d), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no. 1 and 2 have antecedent of one case under the Excise Act, petitioner no. 3 has antecedent of two cases under the Excise Act and petitioner no. 4 has antecedent of three cases under the Excise Act and allegation is of recovery of 50 litres of



liquor from a brewery of 23 accused persons including 12 litres of liquor from brewery of petitioners along with 200 and 300 litres of Mahua Pass which was destroyed.

4. 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 the brewery from where the recovery is alleged to have been made does not belong to the petitioners but since petitioners have antecedent under the Excise Act, as such, they came to be implicated based on the secret information which is the easiest way to implicate someone without holding a proper investigation of the case. It is further submitted that earlier also the petitioners in similar manner came to be implicated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen 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 Sangrampur P.S.
Case No. 254 of 2019, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

7. It is made clear that thereafter the learned trial
court shall verify the criminal antecedent of the petitioners and
if it is found that petitioner no. 1 and 2 have antecedent of more
than one case, petitioner no. 3 has antecedent of more than two
cases and petitioner no. 4 has antecedent of more than three
cases, it would be presumed that petitioners had concealed their
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 if it is found on verification that
petitioner no. 1 and 2 have antecedent of only one case,
petitioner no. 3 has antecedent of only two cases and petitioner
no. 4 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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