

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10034 of 2026

Arising Out of PS. Case No.-6 Year-2026 Thana- Gaura P.S. District- Saran

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1. Manjeet Kumar Mahto Son of Dhaneshwar Mahto Resident of Mohalla- Narharpur, Tola- Basantpur, Ps- Gaura, Dist- Saran
 2. Ajay Kumar Mahto @ Madan Mahto son of Dhaneshwar Mahto Resident of Mohalla- Narharpur, Tola- Basantpur, Ps- Gaura, Dist- Saran
 3. Ranjeet Mahto @ Anarjeet Mahato @ Anarjeet Kumar Mahto son of Dhaneshwar Mahto Resident of Mohalla- Narharpur, Tola- Basantpur, Ps- Gaura, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shweta Anand

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner no.1 has antecedent of two cases out of which one
is under the Excise Act and petitioner nos.2 and 3 are persons
with clean antecedent and the allegation is of recovery of 16
litres of liquor from palani of the petitioners along with 400
litres of raw materials which was destroyed.



4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and palani is a place outside the house and is accessible to villagers at large. It is next submitted that no prudent person would use their own vehicle for committing a crime and thus, would create evidence against themselves and hence, would get implicated. It is also submitted that though in the FIR, it is alleged that Palani belongs to the petitioners, but then, the petitioners are not the owner of the said palani, but then, the police in mechanical manner investigated and implicated

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

6. 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, is 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 the learned Trial Court where the case is pending/ successor Court in connection with Gaura P. S. Case No.06 of 2026, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than two cases and petitioner nos.2 and 3 have antecedent of even 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 antecedent of more than two cases and petitioner nos.2 and 3 have antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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