

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11406 of 2026

Arising Out of PS. Case No.-275 Year-2025 Thana- MALAHI District- East Champaran

1. Dhani Mahto @ Dhanai Mahto S/o Krishna Mahto R/o Village - Shyampur Kotharha, Navten, District - West Champaran
2. Brija Yadav S/o Jokhan Yadav R/o Village - Shyampur Kotharha, Navten, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-02-2026 Heard learned counsel for the parties.

2. The petitioners are apprehending their arrest in connection with Malahi P.S. Case No.275 of 2025, F.I.R dated 21.08.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, total 69.120 liters of foreign liquor has been recovered from the spot. One person was apprehended while the others fled away.

4. Learned counsel for the petitioners submits that the name of the petitioners transpired on the basis of confessional statement made by co-accused Ramdhani Yadav, who was arrested on the spot. The petitioners were not present at the place of occurrence and are in no way connected with the seized liquor. No recovery has been made from the conscious



possession of the petitioners. Lastly, it is submitted that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession of the petitioners, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Malahi P.S. Case No.275 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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