

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17665 of 2026

Arising Out of PS. Case No.-851 Year-2025 Thana- SITAMARHI District- Sitamarhi

Sudhir Mahto S/o Rajendra Mahto R/o Village - Lakshmipur, Ward no. 09,
P.S and District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sitamarhi P.S. Case No.851 of 2025, F.I.R dated 30.12.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on the basis of secret information, the police apprehended one Rubi Devi and recovered 765 litres of illicit liquor from a Scorpio vehicle. The apprehended person disclosed the name of the petitioner and others.

4. Learned counsel for the petitioner submits that the petitioner is innocent and is in no way connected with the seized liquor. It is further submitted that the recovery was



made from a Scorpio vehicle and co-accused, Ruby Devi has already been apprehended by the police with seized articles. The name of the petitioner has surfaced only on the basis of the confessional statement of an apprehended co-accused. There has been no recovery of liquor from the conscious/constructive possession of the petitioner. Lastly, it is submitted that the petitioner has two criminal antecedents, in which he is on bail.

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 and / or premises belonging to the petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge-Exclusive Excise Court-2, Sitamarhi, in connection with Sitamarhi P.S. Case No.851 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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