

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12217 of 2026

Arising Out of PS. Case No.-319 Year-2025 Thana- PATEPUR District- Vaishali

1. Vikash Kumar @ Lalu Mahto Son of Upendra Mahto Resident of Village-Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, District- Vaishali, Bihar-843114
2. Usha Devi W/o Upendra Mahto @ Upen Mahto Resident of Village-Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, District- Vaishali, Bihar-843114

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Kumar Jha
For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2026 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 offence punishable under Sections 126, 115(2), 132, 121(1), 121(2), 127(2) of the BNS, 2023 and Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.2 is a woman and allegation is of recovery of 1.125 litres of liquor from house of petitioner no.1. It is next submitted that petitioner no.1 was apprehended by the police but then people gathered at the place of occurrence and created ruckus and freed petitioner



no.1 and petitioner no.2 was identified amongst the persons who created ruckus. It is next submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner no.1, who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is also submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioner no.1 was not arrested from the place of occurrence but then the presence of police attracted the villagers, who came out of inquisitiveness at the place of occurrence and petitioner no.2 who is mother of petitioner no.1 also came to be implicated in a mechanical manner.

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

5. Considering the submissions made by the learned counsel for the petitioners, 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.500/- (Rupees five hundred) 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 Patepur (Harlochanpur) P.S. Case No.319/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

