

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12620 of 2026

Arising Out of PS. Case No.-730 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. Ramdeo Mahto Son of Janki Mahto @ Juleswar Mahto Resident of Village -Rupauli PS -Jaitpur, Dist- Muzaffarpur
2. Santosh Mahto Son of Ramdeo Mahto Resident of Village -Rupauli PS -Jaitpur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in Saraiya (Jayattpur O.P.) P. S. Case No.730 of 2021 registered for the offences punishable under Sections 272, 273, 328, 307, 302, 34 and 120(B) of the I.P.C. and Sections 30(a), 30(c), 37(B) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case under the Excise Act and allegation is of recovery of 750ml of liquor along with Rs.48,735/- in cash and empty bottles from shop of Ram Ekbal Singh. Further, half field bottles of 375ml



whiskey and 10ml in 180ml bottles of whiskey from shop of Manoj and Anoj Rai. It is next alleged that a person named Hemant Mishra died after consuming poisonous liquor in Vishambharpur village and two others are undergoing treatment in private hospital.

4. The learned counsel for the petitioners submits that petitioners are not named in the FIR and their named transpired during the course of investigation after two years. It is next submitted that several co-accused have been granted privilege of anticipatory bail including Lotan Mahto, who was granted the privilege of anticipatory bail by this Court, as such, based on parity, the learned counsel seeks anticipatory bail.

5. Learned A.P.P. vehemently opposes the anticipatory bail application of the petitioners. It is submitted that what distinguishes the case of these petitioners with Lotan Mahto is that Lotan Mahto was a person with clean antecedent and was a senior citizen aged about 76 years whereas petitioners have antecedent of one case under the Excise Act. It is also submitted that allegation in the FIR cannot be ignored that one person died on account of consuming spurious liquor and two persons were under treatment in a hospital. It is further submitted that no



doubt, petitioners are not named in the FIR, but then, their name transpired during the course of investigation. It is further submitted that merely petitioners are not named in the FIR that in itself does not absolve the petitioners of the offence committed when during the course of investigation, their name transpired and one person died on account of consuming spurious liquor. It is also submitted that Vijay Kumar @ Bijendra Kumar @ Bijendra Singh had approached this Court seeking anticipatory bail by filing Cr. Misc. No.10201 of 2026 and the same came to be rejected by an order dated 15.04.2026. It is next submitted that investigation in the case is continuing and if privilege of anticipatory bail is granted, the petitioners may abscond.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

7. The prayer of the petitioners for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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