

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12354 of 2026**

Arising Out of PS. Case No.-289 Year-2025 Thana- BASOPATTI District- Madhubani

Vipin Mahtha @ Bipin Kumar Mahtha S/o- Raj Kumar Mahtha R/v-  
Basopatti Bhavandai Chowk, W.No-14, Ps- Basopatti Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.  
Ms. Archana Aanand, Adv.  
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      09-03-2026                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offence punishable under Sections 317 (5),  
274, 275, 3(5) of the BNS and Section 30(a) of Bihar  
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and allegation is of  
recovery of 141.84 litres of liquor from two different  
motorcycles. It is next submitted that petitioner was not  
arrested from the spot as such nothing was recovered from his  
conscious possession and is not the owner of the seized vehicle



and he came to be implicated based on confessional statement of Md. Daud in police custody which does not have any evidentiary value. 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 reiterated and submitted that petitioner is a person with clean antecedent.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Basopatti P.S. Case No.289/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, it would be presumed that petitioner had



concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner is a person with clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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