

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15884 of 2026

Arising Out of PS. Case No.-232 Year-2025 Thana- GAIGHAT District- Muzaffarpur

Sanjay Mahto @ Sanjay Kumar Son of Garbhu Mahto @ Garbhu Mahato R/o
Village - Hanuman Nagar, P.S. - Gaighat, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-03-2026 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in connection with Gaighat P.S. Case No.232 of 2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, which is pending before the Court of Exclusive Special Judge, Excise-III, Muzaffarpur.

3. As per the prosecution, the total recovery of 15 litres of illicit liquor have alleged to be made from a motorcycle, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner was not present on the place of occurrence and his name has been transpired only on suspicion



by local Chaukidar. He further submits that criminal antecedent of the petitioner is not clean as there are two cases relating to excise matter, pending against him in which he is on bail in all cases.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are two cases pending against him and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 6 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order.

(Dr. Anshuman, J)

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