

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16472 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- RUNISAIDPUR District- Sitamarhi

1. Awdesb Mandal Son of Munchun Mandal Resident of Village- Runisaidpur Ghat, ward no. 11, PS -Runisaidpur, District- Sitamarhi
2. Muntun Mandal @ Manchun Mandal Son of Mithu Mandal Resident of Village- ward no. 11, PS -Runisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Rai

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners at the outset seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, who was arrested during pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. The petitioner no.1 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

5. Learned counsel for the petitioner submits that petitioner no.1 has antecedent of two cases under the Excise Act



and allegation is of recovery of 57.75 litres of liquor from a Potato field. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and is accessible to villagers at large and he came to be implicated at the instance of local person but then the name of person who disclosed the name of petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on secret information. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, 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.10,000/- (Rupees ten thousand) 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 Runisaidpur P.S. Case No.16/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner no.1 has antecedent of more than two cases 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 with but if after verification it is found that petitioner no.1 has antecedent of two cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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