

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18567 of 2026

Arising Out of PS. Case No.-46 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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1. Chandrama Mahto @ Chandrama Kumar Son of Suresh Mahto Resident of Village - Koirgawa Bin Toli, P.S. - Sangrampur, Dist. - East Champaran.
 2. Hari Mahto Son of Suresh Mahto Resident of Village - Koirgawa Bin Toli, P.S. - Sangrampur, Dist. - East Champaran.
 3. Ganesh Mukhiya @ Ganesh Bin Son of Bhajan Mukhiya Resident of Village - Koirgawa Bin Toli, P.S. - Sangrampur, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2026 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 offences punishable under Sections 30(a) and
30(d) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of three cases under the Excise
Act, petitioner no. 2 has antecedent of two cases under the
Excise Act and petitioner no. 3 has antecedent of seven cases
out of which five cases are under the Excise Act and allegation
is of recovery of 105 liters of liquor from distillery of 13



accused persons including the petitioners along with 305 liters of Mahua solution which was destroyed at the spot.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a distillery which does not belong to the petitioners and they came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioners earlier also in similar manner came to be implicated in cases relating to excise.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 35,000/- (Rupees Thirty Five Thousand) 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 Sangrampur P.S. Case No. 46 of 2020 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than three cases, petitioner no. 2 has antecedent of more than two cases and petitioner no. 3 has antecedent of more than seven cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his antecedent, but after verification if it is found that petitioner no. 1 has antecedent of three cases only, petitioner no. 2 has antecedent of two cases only and petitioner no. 3 has antecedent of seven cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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