

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18977 of 2026

Arising Out of PS. Case No.-27 Year-2026 Thana- SUPPI District- Sitamarhi

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1. Bigan Mahto Son of Fekan Mahto Resident of Village - Akhta (Part in Bairgania), Akhta Nuniya Tola, P.S.- Suppi, District - Sitamarhi.
 2. Vikas Mahto Son of Birendra Mahato Resident of Village - Akhta (Part in Bairgania), Akhta Nuniya Tola, P.S.- Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2026 Heard Mr. Dwij Raj, learned counsel appearing on behalf of the petitioner and Ms.Asha Devi, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Suppi P.S. Case No. 27 of 2026 registered for the offence(s) punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 324 litres of illicit liquor was recovered from from the bank of river *Bagmati*.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have



falsely been implicated in the present case. Learned counsel further submitted that recovery of illicit liquor has been made from the bank of river *Bagmati*, which is an open space and is easily accessible by anyone. Petitioners have no concern either with the place of recovery or with the alleged recovered liquor. Petitioner no.1 has one criminal antecedent under Excise Act, whereas, petitioner no.2 has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and also considering the fact that petitioner no.1 has one criminal antecedent of similar nature, **I am not inclined to grant pre-arrest bail to the petitioner no.1.**

So far as petitioner no.2 is concerned, considering his clean antecedent, **the petitioner no.2, above named, is directed to be released on pre-arrest bail**, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Suppi P.S. Case



No. 27 of 2026, subject to the conditions as laid down under
Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the
criminal antecedent of the petitioner no.2 and if it is found that
the petitioner no.2 is involved in some other cases, as what has
been stated in paragraph no.3 of the bail application, this order
will automatically lose its force with respect to petitioner no.2.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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