

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21806 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- MOHANPUR District- Samastipur

=====

Kundan Kumar @ Kundan Mahto S/o Dinesh Mahto @ Dinesh pRASAD
Mahto Resident of Village- Bindgama, P.S.- Mohanpur, Dist.- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The petitioner is apprehending arrest in connection with Mohanpur P.S. Case No.11 of 2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending before the Court of Special Judge Excise Court No.II, Samastipur.

3. As per the prosecution, the total recovery of 12.75 litres of illicit liquor have alleged to be made from a cow shed, 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. Counsel further submits that criminal antecedent of the



petitioner is not clean as there are four criminal cases pending against him in which he is on bail. He further submits that the recovery has not been made in conscious possession of the petitioner. He further submits that recovery has been made from a open place which does not belongs to the petitioner.

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 four criminal cases (relating to Excise Act) 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 six weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J)

Prakashmani/-

U		T	
---	--	---	--

