

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22102 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- SULTANGANJ District- Patna

1. Vishanu Kumar @ Mamu @ Mama S/O Late Gulab Saw R/O Tikay Toli, P.S- Sultanganj, District- Patna.
2. Ashish Mahto @ Tunni Mahto @ Tunni Mohta S/O Kapil Mahto R/O Rampur Lane, P.S- Sultanganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sripriya Sinha

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-04-2026 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of two cases out of which one case is under the Excise Act and allegation is of recovery of 128 litres of liquor from the house of the petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and the house in



question is a joint family property as such it cannot be alleged with certainty that it was petitioner no. 2 who had kept the liquor in the house or the liquor kept in the house was within his knowledge. It is next submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated at the instance of local people, but then the name of the person, who disclosed the name of the petitioners, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that petitioner no. 1 has no concern with petitioner no. 2.

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 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) 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 Sultanganj P.S. Case No. 77 of 2026 subject to the conditions as laid down under Section 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 petitioners have antecedent of more than two 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 criminal antecedent before this Court, but after verification if it is found that petitioners have antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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