

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25468 of 2026

Arising Out of PS. Case No.-34 Year-2026 Thana- SAKRI District- Madhubani

1. Ganaur Mahto @ Umesh Kumar Mahto S/O Vajan Mahto Resident of Village- Sakri Purani Bazar Ward No. 21, P.S- Sakri, District- Madhubani
2. Mukesh Kumar Mahto S/O Bindeshwar Mahto Resident of Village- Sakri Purani Bazar Ward No. 21, P.S- Sakri, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sakri P.S. Case No. 34 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 15.02.2026 by the informant, Birendra Kumar Yadav.

3. As per the prosecution story, the Police on secret information, intercepted a two wheeler and from it, there is recovery of 114 liters of illicit liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that petitioner no. 2 is the owner of the motorcycle which was parked and the two friends were strolling but allegation has been made against them by the Police only because the petitioner no.



1 has criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioners intend to contribute Rs. 5,000/- each (totalling Rs. 10,000/-) to the District Legal Services Authority, Madhubani for beautification/putting up flower pots in the Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that petitioner no. 1 has criminal antecedent and petitioner no. 2 is the owner of the vehicle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from their conscious



possession, FIR lodged and they shall be facing the music, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court, Madhubani in connection with Sakri P.S. Case No. 34 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for six months to mark his



attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. A copy of the order be sent to the Principal District and Sessions Judge, Madhubani for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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