

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26480 of 2026

Arising Out of PS. Case No.-75 Year-2026 Thana- BIBHUTIPUR District- Samastipur

Shankar Purbe @ Shankar Mahtho @ Shankar Mahto @ Shankar Prasad
Mahto S/o- Late Bindeswari Mandal @ Bindashwari Mahto Resident of
village- Bibhutipur Surihari Dhala Police Station-Bibhutipur District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 5 liters of liquor from cowshed of the petitioner.
4. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession and even alleged
recovery is from a cowshed which does not belong to the
petitioner and he came to be implicated with an allegation that



the cowshed belongs to him. It is also submitted that a specific pleading to that effect, that the cowshed does not belong to the petitioner, has been made at Para-9 of the anticipatory bail application and he came to be implicated at the instance of Chowkidar with whom he is on an inimical term and the police in a mechanical manner implicated him without properly investigating the case with regard to the fact that as to whether the cowshed belongs to the petitioner or not.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 500/- (Rupees Five Hundred) 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 Bibhutipur P.S. Case No. 75 of 2026 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 petitioner and in the event if it is found that petitioner has antecedent of even one case



then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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