

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30153 of 2026

Arising Out of PS. Case No.-82 Year-2026 Thana- MEHANDIGANJ District- Patna

Godhan Mahto @ Godhan Kumar @ Mahto Son of Late Om Mahto Resident
Of Village- Ranipur Nimal, Ps -Mehandiganj, Dist -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Mehandiganj P.S. Case No. 82 of 2026 lodged on 24.03.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Special Judge Excise, Patna City.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. Total recovery of 20 litres of illicit liquor has been made, 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 submits that nothing has been recovered from the conscious possession of the petitioner and the said recovery has been made from the bag of another accused person. Counsel submits that the petitioner was not apprehended from the place of occurrence and his name has figured in this case only by virtue of the secret information. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him and in both the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has two criminal antecedents and both the cases are registered under Excise Act and this aspect must be taken into consideration.

6. As such, 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 stands rejected.

7. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been



rejected by this Court and the Trial Court shall pass order on the
merit of this case.

(Dr. Anshuman, J)

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