

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34608 of 2026**

Arising Out of PS. Case No.-67 Year-2026 Thana- SIRISIYA District- West Champaran

1. Raj Kishore Mahto S/o Mahesh Mahto Residents of Village- Garabhuwa, Lala Tola, P.S.- Sirisiya, Dist- West Champaran
2. Santosh Mahto S/o Mahesh Mahto Residents of Village- Garabhuwa, Lala Tola, P.S.- Sirisiya, Dist- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Sitesh Kashyap, Advocate  
For the Opposite Party : Mr. Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      06-07-2026                      It is submitted by learned counsel for the petitioners that the petitioner no. 1 has been arrested by police during pendency of the present anticipatory bail petition and, therefore, the petition of petitioner no. 1 becomes infructuous and, as such, he be permitted to withdraw the same.

2. Request allowed.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The accused/petitioner no.2 is named in the FIR and apprehending his arrest in connection with Sirisiya P.S.



Case No.67 of 2026 registered under Sections 274/275 of B.N.S. (in short 'B.N.S.', 2023) and 30(a) of Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 35 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner no. 2 that the recovery of alleged illicit liquor was made from ejbesteos house (cattle shed) which is an open place accessible to general public. It is also submitted that name of petitioner no. 2 arrayed solely on the disclosure made by the local chowkidar. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further pointed out that the seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. Explaining criminal antecedent, it is submitted that the petitioner no. 2 found involved in two more criminal cases, where he is on bail.

5. Learned APP opposed the prayer of anticipatory



bail to the petitioner no. 2 .

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of petitioner no.2, namely, Santosh Mahto, accordingly, the petitioner no. 2, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise) 1<sup>st</sup>, Bettiah, West Champaran, in connection with Sirisiya P.S. Case No.67 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

**(Chandra Shekhar Jha, J.)**

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