

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34050 of 2026

Arising Out of PS. Case No.-78 Year-2026 Thana- DARPA District- East Champaran

Mahavir Patel @ Mahavir Raut S/o Late Basudeo Raut Resident of village-
Mahuawa, P.S- Darpa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Darpa P.S. Case No. 78 of 2026 registered for the offences punishable under Sections 274, 275 of the B.N.S. and section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per the prosecution story which has been lodged on the basis of the written report submitted by the informant to the effect that on 09.04.2026 at about 14.00 hours, while the informant along with police personnel was on patrolling duty, he received a secret information that the petitioner has concealed illicit liquor in the soil in front of his house and is selling the same. Upon receiving the said information, the informant after



giving information to the higher officials, reached near the place of occurrence, where the said illicit liquor is alleged to have been concealed. Upon seeing the police party, one person managed to flee away, however the local Chowkidar disclosed his name as the petitioner. Upon search, in front of the house of the petitioner, in the soil total 15 litres of Nepali country made liquor was recovered, for which seizure list was prepared.

4. The learned counsel for the petitioner submits that 15 litres of Nepali country made liquor was recovered from the soil in front of the house of the petitioner, but the said land does not belong to the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by the local Chowkidar. The petitioner was not present at the place of occurrence and nothing has been recovered from his possession. The local Chowkidar is in inimical term with the petitioner and therefore, the name of the petitioner has been dragged in this case. He further submits that the petitioner has got one criminal antecedent bearing Darpa P.S. case no. 139 of 2013 for offence punishable under Section 30(a) of the Excise Act.

5. The learned A.P.P. for the State submits that the petitioner is an accused in similar nature of case and therefore he does not deserve anticipatory bail in the present case.



6. Having heard the learned counsel for the parties and after going through the records, it appears that 15 litres of Nepali country made liquor was recovered from the soil near the house of the petitioner. Although, the petitioner was not present at the place of occurrence. Since the petitioner was not present at the place of occurrence, there is no question of recovery made from him. The name of the petitioner has transpired in this case on the basis of statement given by the local Chowkidar who is said to have identified the petitioner and apart from the said statement, there is nothing against the petitioner. Considering the same, let the above named petitioner, in the event of arrest/surrender within a period of six weeks, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 02, East Champaran at Motihari in connection with Darpa P.S. Case No. 78 of 2026, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 with further condition:

(i) The trial court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedents, the court



concerned shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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