

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36003 of 2026

Arising Out of PS. Case No.-94 Year-2026 Thana- MAHNAR District- Vaishali

1. Shashi Kumar @ Shashikant Kumar S/o Ram Eshwar Singh R/o Village - Ward no. -09, Makkanpur, Post - Jandaha, P.S. - Mahnar, Dist. - Vaishali, Bihar, 844505.
2. Pramod Singh @ Pramod Kumar Singh S/o Laxman Singh @ Laxan Singh R/o Village - Makkanpur, Near Shiv Mandir, P.O. - Jandaha, P.S. - Mahnar, Dist. - Vaishali, Bihar, 844505.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Kumar Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Mahnar P.S. Case No.94 of 2026 for allegedly having committed offence under Section 30(a) of Bihar Prohibition and Excise 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 while the informant was on night patrolling, he received a secret information at about 00:30 hours that the petitioners have concealed liquor in the field of Lal Babu Rai behind a petrol pump in village Makkanpur for selling the same.



After giving information to the higher officials and to verify the authenticity of the said information, the informant along with the police party reached at the place at around 00:45 hours. When the informant and the police party went to the field of Lal Babu Rai, two persons fled away, after seeing the police vehicle and torch light. Despite best effort, both the persons fled away from there taking advantage of the darkness. The local Chowkidar disclosed the names of the petitioners as the persons, who fled away. Total 74.13 litres of foreign liquor was recovered from the said field and accordingly, seizure list was prepared.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. The petitioners have falsely been implicated in the present case due to village politics and on the basis of the disclosure made by the local Chowkidar. He further submits that the petitioners were not present at the place of occurrence and the alleged recovery has been made from an open field, which is accessible to all. Total 74.13 litres of foreign liquor has been recovered. He further submits that the petitioner no.1 has got a clean antecedent while the petitioner no.2 is an accused in one case, bearing Mahnar P.S. Case No.371 of 2018, which is



related to land dispute and in the said case, the petitioner no.2 is on bail.

5. *Per Contra*, the learned APP appearing on behalf of the state opposes the prayer for grant of anticipatory bail to the petitioners and submits that the petitioners absconded from the place of occurrence and, therefore they do not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions and after going through the records, it appears that the names of the petitioners transpired in the present case on the basis of the statement given by the local Chowkidar who identified the petitioners as the persons who fled away, upon seeing the police party. Total 74.13 litres of foreign liquor was recovered from an open field, which is accessible to all. The petitioner no.1 has got a clean antecedent while the petitioner no.2 is an accused in one another case in which he is on bail.

7. Taking into consideration the facts aforesaid, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-cum-



Exclusive Special Excise Court-II, Vaishali at Hajipur in connection with Mahnar P.S. Case No.94 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of bail bonds of the petitioners. 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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