

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38448 of 2026

Arising Out of PS. Case No.-150 Year-2026 Thana- RIGA District- Sitamarhi

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1. Ramesh Kumar @ Ramesh Mahto S/o- Harinarayan Mahto Resident of village- Sangram Fandah PS - Riga Distt-Sitamarhi
 2. Dilip Kumar @ Dilip Mahto S/o- Ramlal Mahto Resident of village- Sangram Fandah PS - Riga Distt-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-06-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 111 of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of seven cases under the Excise Act and petitioner no. 2 has antecedent of five cases under the Excise Act and allegation is of recovery of 783 litres of liquor from the bush near a Mango Orchard of Diplal.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners but then is accessible to villagers at large and they came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is further submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.35,000/- (Rupees Thirty-Five Thousand) each 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 Riga P.S. Case No. 150 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than seven cases and petitioner no. 2 has antecedent of more than five cases, it would be presumed that petitioners had concealed their antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner no. 1 has antecedent of only seven cases and petitioner no. 2 has antecedent of only five cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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