

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38777 of 2026

Arising Out of PS. Case No.-22 Year-2026 Thana- MORO District- Darbhanga

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Ritik Kumar Mahto @ Ritik Kumar S/O Kapil Mahto R/O Vill.-
Mohammadpur, P.s.- Moro, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Jyoti Kumari, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-06-2026 Heard Mrs. Jyoti Kumari, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP

representing the State.

2. The petitioner is apprehending his arrest in
connection with Moro P.S. Case No. 22 of 2026 for the offence
under sections 30(a) of the Bihar Prohibition and Excise Act
lodged on 03.03.2026 by the informant, Sajeev Kumar.

3. As per the prosecution story, the informant alleged
that on secret information raided a hut and there is
recovery/seizure of 6 liters country made liquor and and mobile
which was having the name of the petitioner. This led to the
FIR.

4. Learned counsel for the petitioner submits that



neither the hut from which the recovery has been made belongs to him nor he has criminal antecedent, only due to visit where he left the mobile, got implicated.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that his mobile was present and he was indulging in the illicit liquor selling.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that he do not have criminal antecedent nor the hut belongs to him, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Darbhanga in connection with Moro P.S. Case No. 22 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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