

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40008 of 2026

Arising Out of PS. Case No.-177 Year-2026 Thana- Excise P.S. District- Rohtas

Shiv Mahto @ Shiv Kumar S/o Umesh Mahto @ Umesh Singh R/o Vill-
Ramdas Bigha, P.S.- Dehri (M), Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 32(3), 33, 34, 36 and 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases, out of which one case is under the Excise Act and allegation is of recovery of 35 litres of liquor from a semi constructed house near the house of petitioner along with 40 pieces of empty liquor bottles. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to



the petitioner but then is adjacent to his house and he came to be implicated at the instance of local person but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on secret information. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees fifteen thousand) 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 Sasaram Excise P.S. Case No.177/2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than three cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of three cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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