

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43987 of 2026

Arising Out of PS. Case No.-106 Year-2026 Thana- HASANPUR District- Samastipur

Ranjeet Kumar @ Ranjit Mahto Son of Rajendra Mahto Resident of village -
Goriyari, Police Station - Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-07-2026 Heard learned Advocate for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Hasanpur P.S. Case No. 106 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip off regarding storage and selling of illicit wine, the police conducted raid in a bamboo orchard and recovered 15 litres of illicit wine.

4. Learned Advocate for the petitioner submitted that only on account of past criminal antecedent of identical nature his name has been implicated in this case without there being any cogent material suggesting his complicity in the crime. In fact all the six cases in which the petitioner has been made



accused is nothing, but a *mala fide* attitude of the police officials and moreover, in out of six cases, the petitioner is on bail in five cases. He further submits that nothing has been recovered from the conscious and constructive possession of the petitioner and, as such, rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, 2022 is not applicable. Moreover, there is serious defiance of the statutory provisions of Sections 103 and 105 of the BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that petitioner bears six criminal antecedent and on this score alone the petitioner does not deserve the anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been take place from bamboo orchard, which is an open place easily accessible to all coupled with the defiance of statutory provisions of the BNSS and the fact that mere criminal antecedent of the petitioner cannot be the sole ground for rejecting anticipatory bail unless there is a some materials suggesting the complicity in the crime, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the



date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court of Learned Special Judge Excise-I, Samastipur in connection with Hasanpur P.S. Case No. 106 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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