

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49554 of 2026**

Arising Out of PS. Case No.-137 Year-2026 Thana- MOHAMMADPUR District- Gopalganj

1. Tarkeshwar Mahato @ Tarkeshwar Mahto @ Tarkeshwar Kumar S/O Satan Mahato R/O Village- Pipra, P.S.- Baikunthpur, District- Gopalganj.
2. Bhikari Mahato S/O Late Ratan Mahato R/O Village- Kushahar, P.S.- Mohammadpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Natraj Verma, Advocate  
For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      21-07-2026                      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 offence punishable under 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 three cases out of which two cases are under the Excise Act and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 30 litres of liuqor from an E-rickshaw.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further



submitted that petitioners are not the owner of the seized vehicle and came to be implicated based on the confessional statement of Arvind Kumar and Santosh Kumar in police custody which does not have any evidentiary value in the eye of law.

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.15,000/- (Rupees Fifteen 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 Mohammadpur P.S. Case No. 137 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 three cases and petitioner no. 2 has antecedent of even one case, 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 three cases and petitioner no. 2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

Kundan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

