

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49533 of 2026

Arising Out of PS. Case No.-99 Year-2026 Thana- BHAIKAVSHTHAN District- Madhubani

1. Ranju Devi Wife of Shiv Kumar Mahto Resident of Village- Rupauli, P.S.- Bhairavsthan, District- Madhubani.
2. Shiv Kumar Mahto Son of Late Ramchandra Mahto Resident of Village- Rupauli, P.S.- Bhairavsthan, District- Madhubani.
3. Santosh Mahto @ Santosh Kumar Mahto Son of Late Ram Sundar Mahto @ Khokhai Mahto Resident of Village- Rupauli, P.S.- Bhairavsthan, District- Madhubani.
4. Rakesh Mahto @ Rakesh Kumar Mahto Son of Late Ram Sundar Mahto @ Khokhai Mahto Resident of Village- Rupauli, P.S.- Bhairavsthan, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, 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 offences punishable under Sections 274, 275 and 3(5) 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 petitioners no. 1, 3 and 4 are persons with clean antecedent and petitioner no. 2 has antecedent of one case and allegation is of recovery of 10 litres of liquor from the house of Vinod Mahto, 10 litres of liquor from a semiconstructed house of Chandan Mahto



and Surendra Mahto, 30 litres of liquor from the house of petitioners no. 1 and 2, 19 litres of liquor from newly constructed house of petitioners no. 3 and 4, 5 litres of liquor from the house of Dinesh Mahto, 5 litres of liquor from the house of Rajendra Mahto and 205 litres of Jawa Mahua which was destroyed at the spot.

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 the house in question is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioners came to be implicated based on the secret information which is the easiest way to implicate someone 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.5,000/- (Rupees 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 Bhairavshthan P.S. Case No. 99 of 2026 corresponding to G.R. No. 302 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 petitioners no. 1, 3 and 4 have antecedent of even one case and petitioner no. 2 has antecedent of more than 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 petitioners no. 1, 3 and 4 are persons with clean antecedent and petitioner no. 2 has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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