

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49915 of 2026

Arising Out of PS. Case No.-332 Year-2026 Thana- BIRAUL District- Darbhanga

Raj Kumar Mahto S/o Ram Avtar Mahto R/o Village- Balmiki Nagar,
Pasikhana Tola, P.S- Biraul, Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL ORDER

2 27-07-2026 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

2. The petitioner is apprehending his arrest in
connection with Biraul P.S. Case No. 332 of 2026 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The allegation against the petitioner in the FIR is of
recovery of 50.855 litres of foreign liquor from the ground and
second floor of the house.

4. It is submitted by learned counsel for the petitioner
that the house is a joint family property and his share in the
house is first floor, even if the allegation would be taken on its
face value then also there is no recovery from that portion of the
house, which belongs to petitioner. Petitioner is a man of clean



antecedent and has been falsely implicated in this case.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Having considered the submissions of the parties, in particular that the house is joint family property and the share of petitioner is not those area from where recovery was made and petitioner is a man of clean antecedent. Accordingly, the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each of the satisfaction of learned Special Judge-II (Excise Act), Darbhanga/concerned court, in connection with Biraul P.S. Case No. 332 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS, with further conditions that:-

“(i) One of the bailors shall be family of the petitioner.

(ii) Petitioner shall cooperate in further investigation if any, in case of non-compliance of aforesaid conditions, the informant/State shall



be at liberty to press for cancellation
of bail bond of the petitioner before
the learned trial court itself, which be
decided, after giving fair opportunity
of hearing to the petitioner.”

(Ranjan Kumar Jha, J)

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