

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52392 of 2026

Arising Out of PS. Case No.-226 Year-2025 Thana- Gaura P.S. District- Saran

1. Nagendra Mahto S/o Late Sudarshan Mahto R/o Village - Patedha, P.S. - Khaira, Dist. - Saran at Chapra.
2. Surendra Mahto S/o Jamadar Mahto R/o Village - Patedha, P.S. - Khaira, Dist. - Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 24-07-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Gaura P.S. Case No. 226 of 2025, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 20 liters liquor was recovered from two motorcycles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no knowledge and concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that local chowkidar has disclosed the names of the petitioners. Petitioner no. 1 has got three



criminal antecedents and petitioner no. 2 has got no criminal antecedent. Learned counsel for the petitioners further submits that other co-accused have been granted regular bail by this Court vide order dated 04.12.2025 passed in Cr. Misc. No. 82857 of 2025. Learned counsel for the petitioners, therefore, contends that *prima-facie*, no case is made out against the petitioners. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that petitioner no. 1 bears three criminal antecedents of same nature. Hence, petitioner no. 1 does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the criminal antecedent of petitioner no. 1, this Court is not inclined to grant anticipatory bail to petitioner no. 1. So far as petitioner no. 2 is concerned, this Court is inclined to grant anticipatory bail to petitioner no. 2.

7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 1, namely, Nagendra Mahto, is hereby, **rejected.**



8. So far as petitioner no. 2 is concerned, let the petitioner **(i.e. petitioner no. 2)**, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on 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 Court below/concerned Court in connection with Gaura P.S. Case No. 226 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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