

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70439 of 2025

Arising Out of PS. Case No.-185 Year-2025 Thana- KALYANPUR District- Samastipur

Mukesh Kumar @ Mukesh Mahto S/o Kishnu Mahto R/o Village - Muktapur,
P.S.- Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-01-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that by
order dated 18.11.2025, the petitioner was granted a week's time
for removing the defects as pointed out by the office.

4. It is submitted that the defects as pointed out by the
office was to clearly state as to whether petitioner has criminal
antecedent or not as in the order impugned it was recorded that
petitioner has antecedent of one case.

5. Learned counsel for the petitioner submits that at
para 3 of the anticipatory bail application, it has been
specifically stated that petitioner is a person with clean



antecedent.

6. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, the defects as pointed out by the office are ignored.

7. Allegation is of recovery of 14.400 litres of liquor from a banana orchard.

8. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner and is accessible to villagers at large. It is further submitted that petitioner came to be implicated at the instance of the local person but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

10. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) 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 Kalyanpur P.S. Case No. 185 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his 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 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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