

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70979 of 2025

Arising Out of PS. Case No.-222 Year-2025 Thana- Excise P.S. District- Darbhanga

Mukesh Mahto @ Mukesh Kumar Mahto S/o Sonelal Mahto R/o Vill-
Milkichak, P.S.- Bahadurpur, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases as would manifest from
supplementary affidavit and allegation is of recovery of 32.400
litres of liquor from house of the petitioner. It is next submitted
that petitioner was not arrested from the spot, as such, nothing
was recovered from his conscious possession and the house in
question is a joint family property, as such, it cannot be alleged
with certainty that it was petitioner who had kept the liquor in
the house or the liquor kept in the house was within his



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 and the petitioner came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-Ist (Excise Act), Darbhanga in connection with Excise P.S. Sadar Case No.222 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases,



then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedents of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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