IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75496 of 2026

CNR No. BRHC011028912026

Arising Out of PS. Case No.-336 Year-2026 Thana- HARLAKHI District- Madhubani

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1. Lalit Mahto @ Lalit Kumar Son of Ram Lochan Mahto Resident of Village-Gangaur, P.S.- Harlakhi, District- Madhubani.
2. Ram Lochan Mahto Son of Ram Lakhan Mahto Resident of Village-Gangaur, P.S.- Harlakhi, District- Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-10-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 274, 275 and 3(5) of the B.N.S. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case under the Excise Act and petitioner no.2 has antecedent of three cases under the Excise Act and allegation is of recovery of 108 litres of liquor from a motorcycle.

4. The learned counsel for the petitioners submits that

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petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized motorcycle and they came to be implicated based on confessional statement of Vinod Mahto in police custody which does not have any evidentiary value. It is also submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen 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 Harlakhi P. S. Case No.336 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after

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accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of more than three cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of one case only and petitioner no.2 has antecedent of three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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