

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78561 of 2025

Arising Out of PS. Case No.-171 Year-2025 Thana- PANDAU District- Madhubani

1. Mahavir Mahto S/O Late Panchu Mahto Resident of Village- Pandaul Pachhawari Tol, P.S.- Pandaul, District- Madhubani
2. Muneshwar Mahto S/O Late Kukeswar Mahto @ Muneshwar Kumar Mahto @ Munesh Kumar Mahto Resident of Village- Pandaul Pachhawari Tol, P.S.- Pandaul, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-02-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and allegation is of recovery of 50 litres of liquor from an orchard. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came



to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten 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 Pandaul P.S. Case No.171/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of more than two cases, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioners have antecedent of two cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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