

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87820 of 2025

Arising Out of PS. Case No.-218 Year-2025 Thana- BELA District- Sitamarhi

Shyam Mahto Son of Rajendra Mahto Resident of Village- Sirsiya, P.S.- Bela,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Section 21(C) of NDPS Act as
well as Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of two cases under the Excise Act and
allegation is of recovery of 39 litres of cough syrup along with
28.065 litres of liquor from washroom and hut of Ram Naresh
Mahto. It is next submitted that petitioner was not arrested from
the spot, as such, nothing was recovered from his conscious
possession and even alleged recovery is from a place which
does not belong to the petitioner and petitioner has no concern
or relation with Ram Naresh Mahto and he came to be



implicated at the instance of Chowkidar with whom he is on an inimical term. It is also subitted that if Chowkidar was aware of the involvement of the petitioner 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 the case was taken up on 22.12.2025 when a learned Coordinate Bench granted the privilege of provisional anticipatory bail to the petitioner.

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

5. Considering the submissions made by the learned counsel for the petitioner, the provisional anticipatory bail granted to the petitioner is hereby confirmed on the same terms and conditions.

6. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.5,000/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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