

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.231 of 2026

Arising Out of PS. Case No.-146 Year-2025 Thana- BHAIKAVSHATHAN District-
Madhubani

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Dinesh Mahto S/O Kishun Mahto R/O Village- Hatadh Rupauli, PS-
Bhairavsthan, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Nitu Kumari
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-01-2026 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 Sections 274, 275,
3(5) BNS and sections 30(a) of Bihar Prohibition and Excise
Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases, out of which, two cases
are under the Excise Act and allegation is of recovery of 31
litres of liquor along with 400 litres of jaggery solution from a
place behind the house of the petitioner and other recoveries as
recorded in the FIR. 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 but is adjacent to his house and he came to be implicated based on the secret information which is the easiest way to implicate someone. 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 petitioner.

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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees fifteen thousand) 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 Bhairavsthan P.S. Case No.146/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the



event if it is found that petitioner has antecedent of more than three cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of three cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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