

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91734 of 2025

Arising Out of PS. Case No.-264 Year-2025 Thana- Excise P.S. District- Saran

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1. Ram Niroha Mahto @ Ram Nirhora @ Ram Niroha S/o- Late Sitaram Mahto Resident of Naini P.S- Chapra Muffasil Dist- Saran at Chapra
 2. Awadhesh Dubey S/o- Ganesh Dubey R/v- Bangara Ps- Daudpur Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta Anand

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-01-2026 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 offences punishable under Section 30(a) of the Bihar Excise Act.

 3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 750 ml of red liquid from the guard room of premises of DRCC. It is next submitted that the liquid was sent for examination and it transpired that the liquid contained ethyl alcohol and methyl alcohol, which falls under the category of intoxicating substance.



4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated on account of video which went viral showing that petitioners were present at the place of occurrence. It is next submitted that since petitioners are home guard, as such they were discharging their duty and the police in a mechanical manner implicated them based on a viral video, when petitioners admittedly are persons with clean antecedent.

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

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 trial court within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Sadar Excise P.S. Case No. 264 of 2025, subject to the conditions as laid down under Section Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the



event if it is found that petitioners have antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioners are person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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