IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57857 of 2026

Arising Out of PS. Case No.-161 Year-2022 Thana- MUSRIGHRARI District- Samastipur

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RAKESH MAHTO @ RAJEEV RANJAN @ RAJIV RANJAN @ RANJEET KUMAR Son of Maheshwar Mahto R/o Village- Malpur Agrail, P.S.- Sakra, District- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anish Kumar
For the Opposite Party/s : Mr.Kanhiya Kishor

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-08-2026 **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 offences punishable under Sections 467, 468, 471, 420 and 34 of the IPC and Sections 30(a), 32, 36 and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of twenty cases out of which seventeen cases are under the Excise Act and allegation is of recovery of 2681.640 litres of liquor from a truck.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of

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the seized vehicle and he came to be implicated based on confessional statement of Raja in police custody which does not have any evidentiary value. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is also submitted that petitioner earlier also in similar manner came to be implicated in cases relating to Excise.

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

6. 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 trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 1,00,000/- (Rupees one lakh) 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 Mushrigharari P.S. Case No. 161 of 2022, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial

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Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than twenty cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of twenty cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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