

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57740 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- BAHADURPUR District- Darbhanga

1. Ram Kripal Sahni S/o Raj Kumar Sahni R/o Village- Ammadih, P.S.- Bahadurpur, Distt.- Darbhanga
2. Hriday Sahni S/o Jhoolan Sahni R/o Village- Ammadih, P.S.- Bahadurpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-12-2025 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 Sections 30(a) and 30(c) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of three cases and petitioner no. 2 has antecedent of one case and allegation is of recovery of 155 liters of liquor from a place near the house of petitioner no. 1 and 75 liters of liquor from the house of petitioner no. 2.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and the house in question of petitioner no. 2 is a joint family property, as such, it cannot be alleged with certainty that it was petitioner no. 2 who had kept the liquor in the house or the liquor kept in the house was within his knowledge and as far as petitioner no. 1 is concerned, the alleged recovery is from a place which is adjacent to his house and thus 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 next submitted that investigation in the case is still continuing.

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. 15,000/- (Rupees Fifteen 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 Bahadurpur P.S. Case No. 83 of 2025 subject to the conditions as laid down under 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 petitioner no. 1 has antecedent of more than three cases and petitioner no. 2 has antecedent of more than 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, but after verification if it is found that petitioner no. 1 has antecedent of three case only and petitioner no. 2 has antecedent of one case only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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