

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77651 of 2025

Arising Out of PS. Case No.-423 Year-2025 Thana- BANJARIA District- East Champaran

1. Biru Sahani S/O Rambhu Sahani R/O Vill.- Chichurahiya, P.s.- Banjariya, District- East Champaran
2. Munnalal Sahani S/O Rambhu Sahani R/O Vill.- Chichurahiya, P.s.- Banjariya, District- East Champaran
3. Tunnalal Sahani @ Tunnalal Kumar S/O Rambhu Sahani R/O Vill.- Chichurahiya, P.s.- Banjariya, District- East Champaran
4. Devpati Devi W/O Rambhu Sahani R/O Vill.- Chichurahiya, P.s.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-11-2025 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 offence punishable under Sections 274, 275 of the BNS and Sections 30(a), 41 and 45 of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no.2, 3 and 4 are persons with clean antecedent and petitioner no.4 is a woman and allegation is of recovery of 200 litres of liquor from



bank of Tilawa river. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of chowkidar but then it is submitted 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.

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

5. 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 Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five 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 Banjariya P.S. Case No.423/2025, 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 petitioners and in the event if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2, 3 and 4 have antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner no.1 has antecedent of one case and petitioner no.2, 3 and 4 are persons with clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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