

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76922 of 2025

Arising Out of PS. Case No.-517 Year-2025 Thana- GORAUL District- Vaishali

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1. Dharmendra Sahani S/o Gopal Sahni R/o Village - Rasulpur, Fatah, P.S - Goraul (Kathara O.P), District - Vaishali
 2. Ravindra Sahani @ Ravindra Kumar S/o Gopal Sahni R/o Village - Rasulpur, Fatah, P.S - Goraul (Kathara O.P), District - Vaishali
 3. Anil Sahani S/o Nandlal Sahani R/o Village - Khorampur @ Rasulpur Daud, P.S - Goraul (Kathara O.P), District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2025 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 Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases, petitioner no. 2 is a person with clean antecedent and petitioner no. 3 has antecedent of four cases.

4. Allegation is of recovery of 41.250 litres of liquor from a paddy field.

5. Learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is next submitted that petitioners came to be implicated at the instance of the Chawkidar but then it is submitted that if the Chawkidar was aware of the involvement of petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically without holding a proper investigation of the case.

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

7. Considering the submissions made by the learned counsel for the petitioners, let 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.20,000/- (Rupees Twenty 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 Goraul (Kathara O.P.) P.S. Case No. 517 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than two cases, petitioner no. 2 has antecedent of even one case and petitioner no. 3 has antecedent of more than four cases, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 has antecedent of only two cases, petitioner no. 2 is a person with clean antecedent and petitioner no. 3 has antecedent of only four cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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