

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81973 of 2025

Arising Out of PS. Case No.-36 Year-2021 Thana- Excise P.S. District- Begusarai

Sajjan Shani @ Sajjan Shani S/o Late Tetar Tanti @ Late Tetar Shani R/o
Village - Goriyari, Ward no. 16, P.S - Bakhri, District - Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2025 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 Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of seven cases and all the cases are
under the excise act and allegation is of recovery of 1 liter of
liquor from possession of Pappu, 9 liters of liquor from the hut
of petitioner and 2 liters of liquor from the hut of Chandan
Kumar.

4. Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession. It is next



submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically without holding proper investigation. It is also asserted and submitted that the hut does not belong to the petitioner and he came to be implicated based on confessional statement of Pappu in police custody which does not have any evidentiary value. It is also submitted that had an investigation been carried out to verify that as to whether the hut belongs to the petitioner or not, perhaps petitioner would not have been implicated.

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. 35,000/- (Rupees Thirty Five Thousand) 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 Excise P.S. Case No. 36 of 2021 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 petitioner and in the event if it is found that petitioner has antecedent of more than seven 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 seven cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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