

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1101 of 2026

Arising Out of PS. Case No.-277 Year-2025 Thana- HARSIDHI District- East Champaran

Rahul Sahani S/O Sipahi Sahani R/O Vill.- Damobriti, Ward No.- 13, P.S-
Harsidhi, District - East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases under the Excise Act
and allegation is of recovery of 200 litres of liquor from two
different motorcycles. It is next submitted that petitioner was
not arrested from the spot, as such, nothing was recovered from
his conscious possession and is not the owner of the seized
vehicles and he came to be implicated at the instance of
Chowkidar but then it is 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

4. Learned A.P.P. opposes the anticipatory bail application.

5. 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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-I, East Champaran, Motihari in connection with Harsidhi P.S. Case No.277 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedents of more than three cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before



this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedents of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Sanjay/-

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