

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3719 of 2026

Arising Out of PS. Case No.-209 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

1. Binod Sahani @ Vinod Sahani son of Basanti Sahani Resident of Village- Hussepur, Naya Tola, P.S.- Sahebganj, District- Muzaffarpur
2. Bhuneshwar Sahani son of Late Basanti Sahani Resident of Village- Hussepur, Naya Tola, P.S.- Sahebganj, District- Muzaffarpur
3. Dashai Sahani son of Late Narsingh Sahani Resident of Village- Hussepur, Naya Tola, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that
petitioners no.1 and 2 have antecedent of one case under the
Excise Act and petitioner no.3 has antecedents of two cases under
the Excise Act and allegation is of recovery of 120 litres of liquor
along with 5000 litres of Mahua Jaggery solution which was
destroyed at the place of occurrence, i.e., Gandak Diyara 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 villagers at large and they came to be implicated at the instance of Chowkidar but then 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 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 petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Muzaffarpur in connection with Sahebganj P.S. Case No.209 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners no.1 and 2 have antecedent of more than one case and petitioner no.3 has antecedents of more than two cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 petitioners no.1 and 2 have antecedent of only one case and petitioner no.3 has antecedents of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners, based on instruction, submits that petitioners undertake to deposit an amount of Rs.5,000/- each with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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