

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4498 of 2026

Arising Out of PS. Case No.-169 Year-2025 Thana- KANHAULI District- Sitamarhi

1. Raghu Kumar @ Raghu Sahni S/O Yugal Sahni @ Yugal Sahani R/O Vill.- Shahpur, Sheetalpatti, Ward No.3, P.S.- Sahiyara, Dist- Sitamarhi
2. Hari Sahni S/O Shankar Sahni R/O Vill.- Shahpur, Sheetalpatti, Ward No.3, P.S.- Sahiyara, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

Ms.Deepika Mishra

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of four cases under the Excise Act and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 58.80 litres of liquor from sacks and 36 litres of liquor from a motorcycle.

4. The 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 alleged recovery is from a place, which does not belong to the petitioners nor petitioners have any connection with the sack and are not the owner of the seized vehicle and they came to be implicated based on confessional statement of Binod Kumar in police custody, which does not have any evidentiary value. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

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

6. 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, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum 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 Kanhauli P. S. Case No.169 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than four cases and petitioner no.2 has antecedent of even one case, 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 petitioner no.1 has antecedent of four cases only and petitioner no.2 has antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

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

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

