

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5532 of 2026

Arising Out of PS. Case No.-712 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

Dharmendra Sah @ Dharmendra Kumar @ Dharmendra Prasad S/O Mishrilal
Sah R/O Vill./Mohalla- Azad Nagar, P.S.- Keshariya, Dist.- East Champaran
at Present Add. Vill.- Pratap Patti, P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2026 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 Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of two cases under the Excise Act and
allegation is of recovery of 17.28 litres of liquor from a car parked
outside the house of the petitioner and 12.24 litres of liquor from
semi constructed house of the petitioner. 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 vehicle and the house is under construction, as such, no
one was staying in the house and thus was accessible to villagers



at large and it appears that someone inimical to the family planted meager amount of liquor with an intent to implicate the entire family members. It is also submitted that no prudent person would use his own premises for committing an occurrence and thus, would create evidence against himself and hence, would get implicated and petitioner came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation. It is also 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.-II, Muzaffarpur in connection with Sahebganj P.S. Case No.712 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 two 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 two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.5,000/- with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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