

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6015 of 2026

Arising Out of PS. Case No.-314 Year-2025 Thana- GAYA KOTWALI District- Gaya

1. Kaka Rawani @ Santosh Kumar S/O Late Buchchan Prasad Rawani @ Late Buchan Prasad R/O Village- Lakhibagh, P.S.- Muffasil, Dist.- Gaya ji
2. Deepak Rawani @ Deepak Kumar S/O Late Buchchan Prasad Rawani @ Late Buchan Prasad R/O Village- Lakhibagh, P.S.- Muffasil, Dist.- Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioners 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, 2016.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 38.5 litres of liquor along with Rs.868/- from the roof of the hotel of the petitioners. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is next submitted that no prudent person would use his own hotel for committing



an occurrence and thus, would create evidence against himself and hence, would get implicated. It is also submitted that customers keep coming and staying in the hotel of the petitioners and it appears that some customers without the knowledge of the petitioners concealed the liquor and the petitioners came to be implicated based on secret information, which is the easiest way to implicate someone 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.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-4, Gaya in connection with Kotwali P.S. Case No.314 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 bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have 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 petitioners are persons with clean antecedent, 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.2500/- each with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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