

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12247 of 2026

Arising Out of PS. Case No.-733 Year-2025 Thana- MOTIHARI MUFASIL District- East
Chamaparan

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1. Sobha Sah Son of Late Paltu Sah R/o Village - Gajpura, P.S. - Muffasil, Dist. - East Chamaparan, Motihari.
 2. Ramratan Kumar @ Ram Ratan Kumar Son of Sobha Sah R/o Village - Gajpura, P.S. - Muffasil, Dist. - East Chamaparan, Motihari.
 3. Bholu Sah @ Lakush Sah @ Bholu Sah Son of Laldeo Sah R/o Village - Gajpura, P.S. - Muffasil, Dist. - East Chamaparan, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-02-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their 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 petitioners submits that petitioner no.1 has antecedent of two cases, petitioner no.2 has antecedent of one case and petitioner no.3 is a person with clean antecedent and allegation is of recovery of 105 litres of liquor from an orchard. 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 petitioner but then is accessible to villager at large and they came to be implicated at the instance of local villager but then the name of the villager who disclosed the name of the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten 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 Muffasil P.S. Case No.733/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than two cases, petitioner no.2 has antecedent of more than one case and petitioner no.3 has antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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