

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14135 of 2026

Arising Out of PS. Case No.-589 Year-2025 Thana- SUGAULI District- East Champaran

Krishna Sahani S/o Shiv Shankar Sahani Resident of Village- Mehawa, P.S.-
Sugauli, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2026 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 (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of four cases under the Excise Act
and allegation is of recovery of 6 litres of liquor from
possession of Suraj Kumar and 80 litres of liquor from a
sugarcane field. It is next submitted that petitioner was not
arrested from the spot, as such, nothing was recovered from his
conscious possession and even alleged recovery of 80 litres of
liquor is alleged to be recovered from a sugarcane field which
does not belong to the petitioner and petitioner has no concern



or relation with Suraj Kumar and he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. 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. It is further submitted that petitioner in similar manner earlier also came to be implicated in cases relating to excise.

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.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, East Champaran at Motihari in connection with Sugauli P.S. Case No.589 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 antecedent of more than four 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 four cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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