

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16244 of 2026

Arising Out of PS. Case No.-543 Year-2025 Thana- SAGauli District- West Champaran

Ramesh Sahani S/O Late Birbal Sahani R/O Vill.- Mehwa, P.S- Sugauli,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that the
order impugned records that petitioner has antecedent of two
cases when petitioner is a person with clean antecedent, as such,
in view of the submissions made by the learned counsel
appearing on behalf of the petitioner, the defects, as pointed out
by the office, are hereby ignored.

4. It is reiterated and submitted that petitioner is a
person with clean antecedent and allegation is of recovery of
165 litres of liquor from the hut of the petitioner.

5. Learned counsel for the petitioner submits that



petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from the hut which does not belong to the petitioner. It is further submitted that petitioner came to be implicated at the instance of the Chawkidar with whom he is on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that enmity of the petitioner with the Chawkidar gets fortified by the fact that he got the petitioner implicated in the instant case based on a wrong allegation that the hut belongs to the petitioner and the police in a mechanical manner implicated the petitioner without holding a proper investigation of the case. It is submitted that at para 7 of the anticipatory bail application, it has been specifically pleaded that petitioner is not the owner of the hut.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks



from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) 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 Sugauli P.S. Case No. 543 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

8. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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