

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19711 of 2026

Arising Out of PS. Case No.-933 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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1. Amir Shahni @ Amir Kumar S/o- Mohan Shahni @ Mohan Sahani Resident of village- Raghunathpur, ward no 27 P.S.- Raghunathpur, District- East Champaran
 2. Shyambabu Shahni @ Shyambabu Chaudhary S/o- Mohan Shahni @ Mohan Sahani Resident of village- Raghunathpur, ward no 27 P.S.- Raghunathpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Resident of village- Raghunathpur, ward no 27 P.S.- Raghunathpur, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-03-2026 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 offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of nine cases out of which eight cases are under the Excise Act and petitioner no. 2 has antecedent of six cases out of which five cases are under the Excise Act and allegation is of recovery of 317.100 litres of liquor from from a Bolero vehicle.



4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not owners of the seized vehicle and they came to be implicated based on secret information which is the easiest way to implicate someone. It is further 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 also submitted that petitioners earlier also in similar manner came to be implicated in cases relating to Excise.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 45,000/- (Rupees Forty-five 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 Town P.S. Case No.



933 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than nine cases and petitioner no. 2 has antecedent of more than six cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of nine cases and petitioner no. 2 has antecedent of six cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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