

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23071 of 2026

Arising Out of PS. Case No.-132 Year-2026 Thana- GANDHIMAIDAN District- Patna

1. Nirsi Devi W/O Late Chhotu Sahni R/O Anta Ghat Pani Tanki, P.S- Gandhi Maidan, Dist-Patna.
2. Suraj Sahni S/O Late Chhotu Sahni R/O Anta Ghat Pani Tanki, P.S- Gandhi Maidan, Dist-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is a woman and allegation is of recovery of 5 liters of liquor from Anta Ghat near Collectorate boundary, Patna .

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next



submitted that even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of local person but then name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when petitioners have not been implicated based on secret information and are persons with clean antecedent.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, are directed to be released on bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Gandhi Maidan P.S. Case No. 132 of 2026 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 petitioners have antecedent of even one case 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, but after verification if it is found that petitioners have clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Gaurav Sinha/-

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