

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25682 of 2026

Arising Out of PS. Case No.-19 Year-2026 Thana- BANJARIA District- East Champaran

1. Jitendra Sahani S/o- Rameshwar Sahani R/v- Chichiurahiya Ps- Banjariya District- East Champaran, Motihari
2. Sukai Mukhiya S/o- Banarsi Mukhiya R/v- Chichiurahiya Ps- Banjariya District- East Champaran, 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. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Sri Rabindra Kumar.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 274 and 275 of BNS and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of three cases out of which two cases are under the Excise Act and allegation is of recovery of 50 litres of liquor from bank of Tilave river.

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 even the 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 Chowkidar with whom they are on an inimical term. It is next submitted that if Chowkidar was aware about the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. 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.

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. 15,000/- (Rupees Fifteen 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 Banjariya P.S. Case No. 19 of 2026 subject to the conditions as laid down under Section 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 even one case and petitioner no. 2 has antecedent of more than three 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 is a person with clean antecedent and petitioner no. 2 has antecedent of three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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