

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27084 of 2026

Arising Out of PS. Case No.-330 Year-2026 Thana- AHYAPUR District- Muzaffarpur

1. RANJAN KUMAR S/o- Pragas Sahani R/o village- Dakaramma, PS-Hathauri, District- Muzaffarpur
2. Ravin Sahani S/o- Shiv Nandan Sahni R/o village- Dakaramma, PS-Hathauri, District- Muzaffarpur
3. Dinesh Sahani S/o- Ram Ekwil Sahani R/o village- Dakaramma, PS-Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2026 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 Sections 274 and 275 of the BNS, 2023 read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act, petitioner no. 2 has antecedent of three cases under the Excise Act and petitioner no. 3 has antecedent of five cases under the Excise Act and allegation is of recovery of 2926 liters of spirit



from a bamboo orchard and an Auto was seized.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and are not the owner of the seized vehicles and came to be implicated based on confessional statement of Randir in police custody which does not have any evidentiary value. It is also submitted that after amendment in the excise act in the year 2018, the concept of deemed possession and presumed offender has been done away with.

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 before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty 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 Ahiyapur P.S. Case No. 330 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 petitioner no. 1 has antecedent of more than one case, petitioner no. 2 has antecedent of more than three cases and petitioner no. 5 has antecedent of more than five 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 the petitioner who had concealed his antecedent, but after verification if it is found that petitioner no. 1 has antecedent of one case only, petitioner no. 2 has antecedent of three cases only and petitioner no. 5 has antecedent of five cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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