

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28198 of 2026

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

1. Sanjay Sahani @ Sanjay Sahni S/o Bharat Sahni R/o vill - Kafenlatif, P.s.- Garha, O.P. (Ahiyapur), Distt.- Muzaffarpur
2. Rakesh Kumar S/o Ganga Sahni R/o vill - Narkatiya, P.s.- Rampur hari, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-04-2026 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 BNS and 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 and petitioner no. 2 has antecedent of six cases under the Excise Act and allegation is of recovery of 2926 litres of liquor from a place near the house of Satrugan and an auto was seized.

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 are not owners of the seized Auto and they came to be implicated based on confessional statement of Randhir in police custody which does not have any evidentiary value. It is next 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. 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. 30,000/- (Rupees Thirty 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 (Garaha) 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 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 one case 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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