

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31609 of 2026

Arising Out of PS. Case No.-310 Year-2026 Thana- ALAMGANJ District- Patna

1. Dhauli Devi @ Amita Devi W/o Sumari Lal Sahani @ Sumir Sahni @ Sumir Kumar Resident of Gosain Ghat, Jhoparpatti, in front of Machhali Godown, PS- Alamganj, District- Patna
2. Boby @ Baby Kumar S/o Sumari Lal Sahani @ Sumir Sahni @ Sumir Kumar Resident of Gosain Ghat, Jhoparpatti, in front of Machhali Godown, PS- Alamganj, District- Patna
3. Surya @ Surya Kumar S/o Sumari Lal Sahani @ Sumir Sahni @ Sumir Kumar Resident of Gosain Ghat, Jhoparpatti, in front of Machhali Godown, PS- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-05-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 3 (Surya @ Surya Kumar), who was arrested during pendency of the instant anticipatory bail application.
3. Permission is accorded.
4. The petitioner nos. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.



5. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of four cases under the Excise Act and petitioner no. 2 has antecedent of two cases under the Excise Act and petitioner no. 1 is a woman and allegation is of recovery of 20 litres of liquor from a sack at gossayi ghat.

6. 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 have no concern with the sack and they came to be implicated at the instance of local people, but then the 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. 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.

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

8. Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1 and 2 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. 20,000/- (Rupees Twenty 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 Alamganj P.S. Case No. 310 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. 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 four cases and petitioner no. 2 has antecedent of more than two 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 four cases and petitioner no. 2 has antecedent of two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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