

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31524 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- MOHAMMADPUR District- Gopalganj

1. Nikesh Sah S/O Late Nami Sah Resident of village- Amarpura Tola Jagirahal, P.S.- Mohammadpur, Distt.- Goplaganj
2. Rahul Sah @ Rahul Kr S/O Sohran Sah Resident of village- Amarpura Tola Jagirahal, P.S.- Mohammadpur, Distt.- Goplaganj
3. Dharmendra Sah S/O Bipin Sah Resident of village- Amarpura Tola Jagirahal, P.S.- Mohammadpur, Distt.- Goplaganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer

For the Opposite Party/s : Ms.Suman Kumari Singh

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. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

 3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of two cases under the Excise Act and petitioner no. 3 has antecedent of one case under the Excise Act and allegation is of recovery of 110 litres of liquor from a motorcycle and 110 litres of liquor from a mustard field.



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 are not the owners of the seized motorcycle nor the field belongs to them 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.

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. 10,000/- (Rupees Ten 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 Mohammadpur P.S. Case No. 23 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 nos. 1 and 2 have antecedent of more than two cases and petitioner no. 3 has antecedent of more than 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 with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner nos. 1 and 2 have antecedent of two cases and petitioner no. 3 has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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