

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30937 of 2026

Arising Out of PS. Case No.-95 Year-2026 Thana- MUSAHARI District- Muzaffarpur

1. Rajesh Sahni S/O Bechan Sahani R/O Village- Bishunpur Jagdish, P.S.- Mushahari, District- Muzaffarpur
2. Ravi Sahni S/O Bechan Sahani R/O Village- Bishunpur Jagdish, P.S.- Mushahari, District- Muzaffarpur
3. Lakhindra Sahni S/O Late Subelal Sahni R/O Village- Gudhmi @ Gudhami, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2026 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases under the Excise Act and petitioners no. 2 and 3 have antecedent of one case under the Excise Act and allegation is of recovery of 49 litres of liquor from the house of petitioner no. 3, 15 litres of liquor from the house of Sunil Sahani and 41 litres of liquor from the bank of Budhi Gandak River.

4. Learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that the house in question is a joint family property, as such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge and 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 next submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is also submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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 appearing on behalf of the petitioners, let 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 Mushahari P.S. Case No. 95 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than two cases and petitioners no. 2 and 3 have antecedent of more than one case, it would be presumed that petitioners had concealed their antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner no. 1 has antecedent of only two cases and petitioners no. 2 and 3 have antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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