

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32850 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- MUSRIGHRARI District- Samastipur

1. VIPUL KUMAR SAHNI @ VIPUL KUMAR S/o- Raj Kumar Sahni
Resident of Ward No. 2, Gohda, Rupauli Buzurg, PO- Rupauli, P.S.-
Musrigharari, Dist.- Samastipur, Bihar.
2. Aman Kumar @ Aadi S/o- Ram Shreshtha Sahni R/v- Gohda Rupauli PS-
Musrigharari Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2026 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 Sections 30(a), 33,
36 and 41 of the Bihar Prohibition and Excise (Amendment)
Act, 2022, Sections 318(4) and 319(2) of the BNS as well as
Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of one case and petitioner no. 2 is
a person with clean antecedent and allegation is of recovery of
one country made pistol from the hut of Jitendra Sahni along
with two live cartridges, 6.75 litres of homeopathic medicine
Arnica, 1 litres of semi-prepared liquor like substance and some



liquor wrappers.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant at the instance of Jitendra Sahani. It is further submitted that the alleged recovery was made from the hut of Jitendra Sahani but then Jitendra Sahani has not been made accused, rather the informant in the FIR alleges that based on an information received on 112, he came to the place of occurrence and Jitendra Sahani disclosed that the petitioners had left a bag in his hut and thereafter the aforesaid recoveries were made. It is, thus, submitted that since the recoveries were made from the hut of Jitendra Sahani, as such, Jitendra Sahani ought to have been made an accused or at least a witness on the seizure list but then Jitendra Sahani is not a witness of the seizure list even which casts an aspersion on the case of the prosecution.

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.5,000/- (Rupees 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 Musrighrari P.S. Case No. 45 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 one case and petitioner no. 2 has antecedent of even 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 one case and petitioner no. 2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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