

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38531 of 2026

Arising Out of PS. Case No.-139 Year-2026 Thana- CHAKIA District- East Champaran

1. Vishal Sahani S/o Bharosi @ Bharosee Sahani Resident of - Bada Baishaha, P.S.- Chakiya, District - East Champaran
2. Subhash Sahani S/o Jaggu Sahani Resident of Village - Bada Baishaha, P.S.- Chakiya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tripti Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-06-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 175 litres of liquor from a Bamboo orchard of Bharose Sahani along with 3400 litres of liquor of mahua pass was destroyed at the spot.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and petitioner no.1 came to be implicated based on the fact that he is son of Bharose Sahani. It is next submitted that no prudent person would use his own premises for committing a crime and thus, would create evidence against themselves and hence, would get implicated. It is also submitted that an orchard is a place outside the house and thus is accessible to public at large and it appears that someone inimical to the family or with an intent to conceal liquor and raw material used bamboo orchard of the father of petitioner no.1 and the entire family came to be implicated. It is reiterated and submitted that petitioner is a person with clean antecedent.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) 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 Chakia P. S. Case No.139 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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