

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40638 of 2026

Arising Out of PS. Case No.-283 Year-2026 Thana- SARAIYA District- Muzaffarpur

1. Basanti Devi W/o Umesh Sahni @ Kallu Sahni R/o Village - Ayodhpur, PS - Saraiya, District - Muzaffarpur
2. Umesh Sahni @ Kallu Sahni S/o Late Sukhdev Sahni R/o Village - Ayodhpur, PS - Saraiya, District - Muzaffarpur
3. Neeraj Kumar S/o Umesh Sahni @ Kallu Sahni R/o Village - Ayodhpur, PS - Saraiya, District - Muzaffarpur
4. Suraj Kumar S/o Umesh Sahni @ Kallu Sahni R/o Village - Ayodhpur, PS - Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2026 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 Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 and 4 are persons with clean antecedent and petitioner no.2 and 3 have antecedent of one case and petitioner no.1 is a woman and allegation is of recovery of 188.940 litres of liquor from a maize field of petitioner no.2. It is next



submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and it is asserted and submitted that the maize field does not belong to the petitioner no.2 but in a mechanical manner, the police implicated him for the reason that earlier he was implicated in a similar manner in a case relating to excise and the rest accused came to be implicated at the instance of chowkidar. It is further submitted that no person would use his own field for committing an occurrence and thus would create evidence against himself and hence would get implicated.

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

5. 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.5000/- (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 Saraiya P.S. Case No.283 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 and 4 have antecedent of even one case and petitioner no.2 and 3 have antecedent of more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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