

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44082 of 2026

Arising Out of PS. Case No.-35 Year-2026 Thana- BANJARIA District- East Champaran

1. Arjun sahani son of Chandrika Sahani Resident of village - Jhakhiya, Ps-Banjariya, Dist- East champaran
2. Dhruv Sahani son of Sukhari Sahani Resident of village - Jhakhiya, Ps-Banjariya, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-07-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, namely, Dhruv Sahani, who was arrested during pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.2, namely, Dhruv Sahani.

5. The petitioner no.1 seeks bail in anticipation of his



arrest in a case registered for the offences punishable under Sections 274 and 275 of the B.N.S. and Section 30(a) of the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner has antecedent of five cases under the Excise Act and allegation is of recovery of 200 litres of liquor from sacks as detailed in the FIR.

7. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and he came to be implicated at the instance of Chaukidar with whom he is on an inimical term. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

8. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the **petitioner no.1**, above-named, in the event of his arrest or surrender before the learned Court



below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Banjariya P. S. Case No.35 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than five cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his 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 petitioner has antecedent of five cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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