

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49436 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Raja Babu Mukhiya @ Raja Sahni S/o Munshi Mukhiya R/o - Manortha, P.S. - Ashok Paper Mill, District - Darbhanga, Bihar.
 2. Baiju Sahni S/o Raj Kumar Sahani R/o - Manortha, P.S. - Ashok Paper Mill, District - Darbhanga, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-07-2026 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) and
30(d) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 30 liters of liquor from house of Parmanand, 30
liters of liquor from a bamboo orchard of petitioner no. 2 and 15
liters of liquor from a place behind the house of petitioner no. 1.

4. Learned counsel for the petitioners submits that
petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and the alleged recovery of 15 liters of liquor is from a place which does not belong to the petitioner no. 1, but then is adjacent to his house and bamboo orchard is a place which is accessible to villagers at large. It is also submitted that no prudent person would use his own bamboo orchard for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation, when petitioners admittedly are persons with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds 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 Ashok Paper Mill P.S. Case No. 52 of 2026 subject to the conditions as



laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioners have antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to the petitioner who had concealed his antecedent, but after verification if 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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