

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51614 of 2026

Arising Out of PS. Case No.-206 Year-2026 Thana- BAKHARI District- Begusarai

Sajjan Shani @ Sajjan Shani Son of Late Tetar Sahni Resident of Village -
Goriyar Ps- Bakhri, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam Prerna

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-07-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of eight cases under the Excise Act
and allegation is of recovery of 05 litres of liquor from an
orchard of petitioner along with 500 litres of raw jawa mahua
which was destroyed.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that no prudent person would use his own orchard for



committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that orchard is a place which is accessible to villagers at large and it appears that someone inimical to the family concealed the meager amount of liquor in the orchard with an intent to implicate the entire family members and for getting the orchard confiscated. It is further submitted that he came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation. It is also submitted that earlier petitioner in similar manner also came to be implicated in cases relating to excise. 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.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, 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.40,000/- (Rupees Forty 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 Bakhri P. S. Case No.206 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than eight 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 eight cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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