

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58208 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- PAKRIDAYAL District- East Champaran

1. Benga Sah S/O Late Ramshray Sah Resident of Pakaridayal, P.S.- Pakridayal, Dist.- East Champaran.
2. Raushan Sah S/O Benga Sah Resident of Pakaridayal, P.S.- Pakridayal, Dist.- East Champaran.
3. Mintu Sah @ Mintulal Prasad S/O Late Satyanarayan Sah Resident of Pakaridayal, P.S.- Pakridayal, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2026 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have antecedent of two cases and petitioner no. 3 has antecedent of one case and allegation is of recovery of 75 liters of liquor from shop of petitioner no. 3.

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 petitioner nos. 1 and 2 are not the owners of shop. It is also submitted that the liquor was seized in absence of petitioner no. 3. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that it appears that in absence of petitioner no. 3 someone concealed the liquor while fleeing from the police and the petitioners came to be implicated at the instance of Chowkidar.

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

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. 10,000/- (Rupees Ten 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 Pakaridayal P.S. Case No. 277 of 2025 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 petitioner nos. 1 and 2 have antecedent of more than two cases and petitioner no. 3 has antecedent of more than 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, but after verification if it is found that petitioner nos. 1 and 2 have antecedent of two cases only and petitioner no. 3 has antecedent of one case only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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