IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76584 of 2026

CNR No. BRHC011067772026

Arising Out of PS. Case No.-11 Year-2026 Thana- Sahdei District- Vaishali

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1. Sandip Rai Son of Bali Rai @ Suryadeo Rai Resident of village- Sahdei Buzurg, P.S- Sahdei, Distt-Vaishali, Bihar
2. Ayush Kumar @ Mukhiya Son of Sandip Rai Resident of village- Sahdei Buzurg, P.S. - Sahdei, Distt-Vaishali, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ram Jiban Pd Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-11-2026 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 274 and 275 of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 10 litres of liquor from orchard of petitioner no. 1 concealed in a sack.

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

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recovered from their conscious possession and orchard is a place outside the house and, thus, is accessible to villagers at large. It is further submitted that no prudent person would use his own orchard for committing an occurrence and, thus, would create evidence against himself and, hence, would get implicated. It is next submitted that it appears that someone inimical to the family of petitioner no. 1 concealed meager amount of liquor with an intent to implicate the petitioners and their family members.

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 appearing on behalf of the petitioners, let 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.5,000/- (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 Sahdei P.S. Case No. 11 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than one case and petitioner no. 2 has antecedent of even one case, it would be presumed that petitioners had concealed their antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner no. 1 has antecedent of only one case and petitioner no. 2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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