IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75946 of 2026

CNR No. BRHC011087222026

Arising Out of PS. Case No.-12 Year-2026 Thana- HARLOCHANPUR District- Vaishali

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1. Mahesh Sahni Son of Late Mahadev Sahni Resident of Village- Mahammadpur Sukki (Mohammadpur Suki), P.S.- Patepur, District- Vaishali.
2. Saket Kumar Son of Mahesh Sahni Resident of Village- Mahammadpur Sukki (Mohammadpur Suki), P.S.- Patepur, District- Vaishali.
3. Raja Kumar Son of Mahesh Sahni Resident of Village- Mahammadpur Sukki (Mohammadpur Suki), P.S.- Patepur, District- Vaishali.
4. Renu Kumari Wife of Mahesh Sahni Resident of Village- Mahammadpur Sukki (Mohammadpur Suki), P.S.- Patepur, District- Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 29-10-2026 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 4 is a woman and allegation is of recovery of 91.095 litres of liquor from a place near the house of the petitioners.

4. Learned counsel for the petitioners submits that

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petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners but then is adjacent to their house and they came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is further submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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.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 Harlochanpur P.S. Case No. 12 of 2026, subject to the conditions as laid down under Section 438(2) of the

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Cr.P.C./482(2) of the B.N.S.S.

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 petitioners have 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 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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