IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77022 of 2026

CNR No. BRHC011098072026

Arising Out of PS. Case No.-501 Year-2026 Thana- HAJIPUR SADAR District- Vaishali

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1. Jitendra Sahani S/o Late Vashishtha Sahni Resident of Village- Ismailpur, P.S.- Hajipur Sadar, District- Vaishali
2. Subhash Sahani @ Subhash Kumar S/o Chandeshwar Sahani Resident of Village- Ismailpur, P.S.- Hajipur Sadar, District- Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-10-2026 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 offences punishable under Sections 274 and 275 of the BNS, 2023 read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of five cases out of which three cases are under the Excise Act and petitioner no. 2 has antecedent of three cases out of which two cases are under the Excise Act and allegation is of recovery of 50 liters of liquor from a place near Amar Baba Singh *Bandh*.

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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 even alleged recovery is from a place which does not belong to the petitioner and is accessible to villagers at large and they came to be implicated at the instance of local person, but then it is submitted that if local person was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to 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 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. 25000/- (Rupees Twenty 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 Hajipur Sadar P.S. Case No. 501 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

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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 no. 1 has antecedent of more than five cases and petitioner no. 2 has antecedent of more than three cases 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 no. 1 has antecedent of five cases only and petitioner no. 2 has antecedent of three cases only, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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