

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89841 of 2025

Arising Out of PS. Case No.-301 Year-2025 Thana- RAJEPUR District- East Champaran

1. Amarnath Sahani son of Dharishan Sahani Resident of Village - Ismila, Ps- Rajepur, Dist- East Champaran
2. Ram Janam Sahani Son of Chandradeo Sahani Resident of Village - Ismila, Ps- Rajepur, Dist- East Champaran
3. Prabhu Sahani Son of Punkal Sahani Resident of Village - Ismila, Ps- Rajepur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar-II, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioners no.1 and 3, who were arrested during pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. The instant anticipatory bail application is dismissed as withdrawn so far as petitioners no.1 and 3, namely, Amarnath Sahani and Prabhu Sahani are concerned.

5. Petitioner No.2, namely, Ram Janam Sahani



apprehends his arrest in a case registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 as well as Sections 274 and 275 of B.N.S., 2023.

6. Learned counsel for the petitioner submits that petitioner has antecedent of one case under the Excise Act and allegation is of recovery of 15 litres of liquor from the house of the petitioner apart from other recoveries, as detailed in the FIR. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and the house in question is a joint family property, as such, it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within his knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated based on secret information, which is the easiest way to implicate someone. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

7. Learned A.P.P. opposes the anticipatory bail



application.

8. Considering the submissions made by the learned counsel for the petitioner, petitioner no.2, 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-bond in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-3, East Champaran in connection with Rajepur P.S. Case No.301 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

9. The application stands allowed.

10. It is made clear that the learned trial Court after accepting the provisional bail bond 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 one case, 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 only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.



11. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.2500/- with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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