

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90265 of 2025

Arising Out of PS. Case No.-909 Year-2025 Thana- Excise P.S. District- Muzaffarpur

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1. BALBIR SAHNI S/o Beni Sahni R/o village of Dakrama @ Dahrawan, PS-
Hathauri, District- Muzaffarpur
 2. Mantosh Sahani S/O Shankar Sahani R/V - Dakrama @ Dahrawan, P.S.-
Hathauri, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-01-2026 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 offence punishable under Sections 30(a), 36 of
Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 31.5 litres of liquor along with 45 litres of spirit
from orchard of Ram Kishun Sahni. It is next submitted that
petitioners were not arrested 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



petitioners and is accessible to villagers at large and they have no connection or relation with Ram Kishun Sahni and they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation.

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

5. 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 Court below 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 Excise P.S. Case No.909/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as



such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found 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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