

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3398 of 2026

Arising Out of PS. Case No.-179 Year-2025 Thana- SIRISIYA District- West Champaran

1. Sikandar Sah S/O Late Chokat Sah R/O Village- Garobhua Lala Tola, P.S- Sirsiya, Distt.- West Champaran.
2. Antima Devi W/O Sikandar Sah R/O Village- Garobhua Lala Tola, P.S- Sirsiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raki Alam

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases under the Excise Act and petitioner no.2 is a person with clean antecedent and is a woman and the allegation is of recovery of 35 litres of liquor along with 100 litres of mahua pass from a hut behind the house of the petitioner.

4. The learned counsel for the petitioners submits 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, but then is adjacent to their house and they came to be implicated at the instance of Chaukidar with whom petitioner no.1 is on an inimical term. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten 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 ABP No.2713 of 2025 arising out of Sirsiya P. S. Case No.179 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners 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 two cases and petitioner no.2 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel appearing on behalf of the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.2500/- with Lawyers' Association, Patna High Court, Patna.

(Satyavrat Verma, J)

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