

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91863 of 2025

Arising Out of PS. Case No.-342 Year-2023 Thana- KESARIA District- East Champaran

1. Manoj Sahani @ Manoj Sahni S/o- Harendra Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.
2. Saroj Sahani S/o- Harendra Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.
3. Manket Sahani S/o- Surendra Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.
4. Sanket Sahani S/o- Surendra Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.
5. Akhilesh Sahani @ Akhilesh Kumar S/o- Sudish Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.
6. Lawkesh Sahani S/o- Sudish Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.
7. Dilip Sahani S/o- Rama Sahani Resident of Village- Banparua, P.S. Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate Mr. Sumit Kumar, Advocate Mr. Sudhanshu Kumar, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 272 and 273 of the
Indian Penal Code as well as Sections 30(a), 32 and 41(1) of Bihar
Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that



petitioners have antecedent of one case under the Excise Act and allegation is of recovery of 10 litres of liquor along with 1600 litres of semi prepared country made liquor from a *chawar*. 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 came to be implicated at the instance of Chowkidar but then it is submitted that if Chowkidar 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. 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.

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

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, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the



sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-3, East Champaran, Motihari in connection with Kesariya P.S. Case No.342 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. 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 petitioners have antecedents of more than 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 petitioners have antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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