

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34786 of 2025

Arising Out of PS. Case No.-320 Year-2024 Thana- CHIRAIYA District- East Champaran

Khobhari Rai @ Khobari Rai, Son of Ram Chandra Rai, Resident of village -
Sapgadha, P.S.- Chiraiya, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 17-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Chiraiya P.S. Case No. 320 of 2024 for the offences registered under Section 317(5) of B.N.S. and Sections 30(a), 41(1) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, upon information the police intercepted a motorcycle and apprehended a person who disclosed his name as Kishori Rai. On search, 80 litre country made liquor was recovered from a jute bag tied with the motorcycle. The apprehended person disclosed the name of petitioner that he fled away from the spot and he kept stolen motorcycle.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Petitioner has no concern with the seized motorcycle recovered in possession of co-accused. Petitioner was not arrested on the spot. No incriminating material has been recovered from the possession of the petitioner. There is no independent witness to the seizure-list. Petitioner has two criminal antecedents in which he is on bail. He is in custody since 23.01.2025. It is submitted that similarly situated co-accused, namely, Kishori Rai has already been granted bail by a Co-ordinate Bench of this Court vide order dated 18.11.2024 passed in Cr. Misc. No. 79229 of 2024.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioner, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 320 of 2024, subject to following conditions:-

- (I) the petitioner shall appear on each and every date before the learned Trial Court and failure to do so for two consecutive dates without



- plausible reason will entail cancellation of his bail bonds by the learned Trial Court itself;
- (II) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (III) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Sunil Dutta Mishra, J.)

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