

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56940 of 2025

Arising Out of PS. Case No.-467 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Daroga Rai S/O Rudal Rai R/V- Mohaddipur/Mohadipur, P.S-
Chiraiya/Chariya, Distt.- East Champaran.
2. Moti Rai S/O Rudal Rai R/V- Mohaddipur/Mohadipur, P.S-
Chiraiya/Chariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Chiraiya P.S. Case No. 467 of 2023, instituted for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 20 liters
liquor was recovered from bamboo orchard.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as
alleged against them and have falsely been implicated in the
present case. The petitioners were neither apprehended on spot



nor anything incriminating has been recovered from their conscious possession. The petitioners are not the owner of the alleged field. The name of the petitioners have transpired in this case on the basis of the disclosures made by the local Choukidar. The petitioners have nine criminal antecedents each as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioners have no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioners further submits that the co-accused Mukesh Rai has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 05.04.2024 passed in Cr. Misc. No. 25878 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, stating that the petitioners have nine criminal antecedents and, thus, they do not deserve privilege of anticipatory bail.

7. Having heard learned counsel for the parties and taking into account the petitioners having nine criminal antecedents each, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.



8. Accordingly, the prayer for anticipatory bail of the petitioners, above named, is rejected. If the petitioners surrender before the court below within a period of four weeks from today and pray for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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