

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67254 of 2025**

Arising Out of PS. Case No.-36 Year-2025 Thana- KESARIA District- East Champaran

Nawal Rai @ Nawal Yadav S/O Mohan Rai Resident of village- Kadhan ward  
no 9, P.S.- Kesariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the State : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      24-09-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,  
in connection with Kesariya P.S. Case No. 36 of 2025, dated  
31.01.2025, registered for the offences punishable under  
Sections 274 and 275 of B.N.S. and Section 30(a) of the Bihar  
Prohibition and Excise Act.

3. As per allegation, 205 litre of illicit liquor has been  
recovered from the river side and as per local chowkidar, the  
recovered contraband belongs to the petitioner and co-accused  
persons.

4. Learned counsel for the petitioner submits that the  
Petitioner is innocent and has falsely been implicated in this  
case. He further submits that the place of recovery is accessible



to the public at large and hence, the petitioner cannot be implicated on account of such recovery. There is no cogent material to connect the petitioner with the alleged offence. Hence, no prima facie case is made out against the petitioner and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Kesariya P.S. Case No. 36 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.,



2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J)**

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