

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75492 of 2025**

Arising Out of PS. Case No.-163 Year-2025 Thana- KESARIA District- East Champaran

Uma Rai S/o Late Jas Rai @ Byas Ray @ Late Gyas Rai R/o Village- Kadhan  
Ward No. 10, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                         |
|----------------------------|---|-------------------------|
| For the Petitioner/s       | : | Mr.Abhishek Kumar, Adv. |
|                            |   | Mr. Hemant Ray, Adv.    |
| For the Opposite Party/s : |   | Mr.Narsingh Tanti, APP  |

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

ORAL ORDER

2      04-11-2025                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner seeks bail in connection with  
  
Kesariya P.S. Case No. 163 of 2025 instituted for the  
  
offences under Sections 274, 275 of the Bhartiya Nyaya  
  
Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and  
  
Excise Act.

3. As per prosecution case, the police has recovered  
  
total 230 liters of illicit country-made liquor from bank of  
  
Kanhi river.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested at the spot and his name has surfaced in this case on the basis of the disclosures made by the villagers and *Choukidar*. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the same has been recovered from open place, accessible to one and all. The petitioner has no concern with the seized liquor. The petitioner has never indulged either in manufacturing or trading of the illicit liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 29.08.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the



case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kesariya P.S. Case No. 163 of 2025.

**(Rudra Prakash Mishra, J)**

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