

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82534 of 2025

Arising Out of PS. Case No.-210 Year-2025 Thana- BARGAINIA District- Sitamarhi

Chhotelal Rai, aged about 45 years, Male, Son of Rajendra Ray, Resident Of
Village- Masha Alam, Ps- Bargainia, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-12-2025 Heard Mr. Krishna Prabhat, learned counsel
appearing on behalf of the petitioner and Mr. Shyam Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bargainia P.S. Case No. 210/2025 registered for the
offence(s) punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 790.80
litres of illicit Nepali liquor was recovered from the sacks,
which were tied on six bicycles.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Name of the petitioner has
surfaced in this case on the basis of confessional statement of



apprehended co-accused Rampravesh Rai and confessional statement made before police has no evidentiary value. Petitioner has no concern either with the apprehended person or with the seized liquor.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and also the fact that name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Rampravesh Rai and confessional statement made before police has no evidentiary value, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Bargainia P.S. Case No. 210/2025, subject to the conditions as laid down under Section 482(2) of



the BNSS.

8. The Superintendent of Police concerned is directed to submit his report in respect of the vehicle in question on the basis of its ownership, registration number, engine number and chassis number. The report must be sent to the Chief Secretary, Government of Bihar and the Director General of Police (D.G.P.), Bihar, giving reason, as to why, he has failed to implement prohibition within his jurisdiction.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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