

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15320 of 2026

Arising Out of PS. Case No.-486 Year-2025 Thana- KESARIA District- East Champaran

1. Fulena Rai S/O Late Rama Rai Resident of Village- Karhan, P.S- Kesariya, District- East Champaran.
2. Kanhai Rai S/O Late Daroga Rai Resident of Village- Karhan, P.S- Kesariya, District- East Champaran.
3. Rohit Kumar @ Bhageshwar Kumar Yadav @ Rohit S/O Kanhai Rai Resident of Village- Karhan, P.S- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
		Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s :		Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2026 Learned counsel for the petitioner prays for and is allowed to withdraw the anticipatory bail application of petitioner no. 1, Fulena Rai.

2. The anticipatory bail application with respect to petitioner no. 1, Fulena Rai stands dismissed as withdrawn.

3. Heard the parties.

4. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 486 of 2025 for the offence under sections 274 and 275 of the BNS and Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.10.2025 by the informant, Dhananjay Kumar.



5. As per the prosecution story, the Police on secret information, raided the boat and there is recovery/seizure of 145 liters of country-made liquor beside 6,000/- liters of liquor for preparing the country-made liquor. The local *chowkidar* named him which led to the FIR.

6. Learned counsel for the petitioners submit that they have no role to play in the matter and only due to enmity, the *chowkidar* named him.

7. Further, learned counsel for the petitioners relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

8. Learned APP opposes the prayer submitting that the *chowkidar* has named them and both of them have one criminal antecedent.

9. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as



also that nothing has been recovered from their conscious possession and an undertaking has been given that they shall be diligently appearing in the trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

10. Let the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, East Champaran, Motihari in connection with Kesariya P.S. Case No. 486 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar shall appear on each and every date before the



Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iv) the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar shall appear before the concerned police station every fortnight for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar 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;

(vi) the petitioner no. 2, Kanhai Rai and petitioner no. 3, Rohit Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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