

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14034 of 2026

Arising Out of PS. Case No.-12 Year-2026 Thana- BASOPATTI District- Madhubani

1. Sohan Ray S/o- Ashok Ray R/o village - Dubahi, Mahinathpur , Janki Nagar P.s- Basopatti , District- Madhubani
2. Vashist Ray @ Bashist Ray S/o- Dinesh Ray R/o village - Dubahi, Mahinathpur , Janki Nagar P.s- Basopatti , District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate

Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Basopatti P.S. Case No. 12 of 2026, instituted for the offences punishable under Sections 274, 275 and 3(a) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 450 liters of Nepali liquor was recovered from two motorcycles. Petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel further submitted that the petitioners were neither owner nor rider of the motorcycles and they have no knowledge and concern with the said vehicles. The petitioners are in custody since 15.01.2026. Petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Basopatti P.S. Case No. 12 of 2026, subject to the following conditions:

(I) One of the bailors shall be the petitioners' own or close member.



(II) The petitioners shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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