

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21271 of 2026

Arising Out of PS. Case No.-14 Year-2026 Thana- KESARIA District- East Champaran

1. Hakim Rai S/o Hajari Rai
 2. Lakhindra Rai S/o Bachchan Rai
 3. Ajay Rai S/o Rambabu Rai
 4. Subhash Rai S/o Chanar Rai
- All are R/o Village - Kadhan Diyara, Ward No.9, P.S - Kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-04-2026 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Awadhesh Kumar

Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Kesariya P.S. Case No. 14 of 2026 registered for the
offence(s) punishable under Sections 274, 275 of the BNS and
Section 30(a) Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 400 litres
of illicit liquor was recovered from the plastic sack allegedly
thrown by the petitioners from village Kadhan Diyara and 2000
litres of Mahua was also recovered which was destroyed at the



alleged place of occurrence.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel further submitted that recovery of illicit liquor has been made from open space, which is easily accessible by anyone. Petitioners have no concern either with the place of recovery or with the alleged recovered liquor. Petitioner no.1 has three criminal antecedents of similar nature, whereas petitioners no.2, 3 and 4 have one criminal antecedent each.

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

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that petitioner no.1 has three criminal antecedents of similar nature, **I am not inclined to grant pre-arrest bail to the petitioner no.1.**

7. So far as other petitioners are concerned, considering the fact that recovery of illicit liquor has been made from open space which is easily accessible by anyone, **the petitioners no.2, 3 and 4, above named, are directed to be released on pre-arrest bail, in the event of their 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)each with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Kesariya P.S. Case No. 14 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners no.2, 3 and 4 and if it is found that the petitioners no.2, 3 and 4 are 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.

9. The bail application accordingly disposed of.

(Purnendu Singh, J)

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