

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22664 of 2026

Arising Out of PS. Case No.-102 Year-2022 Thana- CHIRAIYA District- East Champaran

1. Lalbabu Ray Son of Yogendra Ray R/o Village - Bela Ghat, P.S. - Chiraiya(Sikarganj), Dist. - East Champaran, Motihari.
2. Vigan Ray Son of Late Ramswrup Ray R/o Village - Bela Ghat, P.S. - Chiraiya(Sikarganj), Dist. - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhandev Kumar, Advocate Ms. Isha Mishra, Advocate
For the Opposite Party/s :		Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Chiraiya (Sikarganj) P.S. Case No. 102 of 2022 lodged on 23.02.2022, for the offence punishable under Sections 272 & 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016, pending in the Court of Exclusive Special Excise Court No.3, East Champaran, Motihari.

3. As per the prosecution, FIR has been lodged against



three named accused persons including the present petitioners. Total recovery of 40 litres of illicit liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioners. Counsel submits that the names of the petitioners have figured in this case only by virtue of the disclosure made by a local watchman. Counsel further submits that the petitioners have two criminal antecedents in which, they are on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioners have two criminal antecedents and both are registered under the Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners stand rejected.

7. However, if petitioners surrender before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day, without



being prejudice that the anticipatory bail of the petitioners have been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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