

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24877 of 2026

Arising Out of PS. Case No.-474 Year-2024 Thana- GHORASAHAN District- East
Champanan

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Rajesh Kumar, Son of Amiri Sah, Resident of Village- Nanaura (Nonaura),
P.S.- Ghorasahan, District- East Champran. (In the impugned order, the father
name of the petitioner has been mentioned as not known due to typing
mistake)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with
Ghorasahan P.S. Case No. 474 of 2024 dated 28.12.2024
registered for the offence punishable under Section 317(5) of the
Bharatiya Nyaya Sanhita, 2023 and under Sections 30(a) and
41(1) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. As per the prosecution case, on secret information,
on 28.12.2024 co-accused Dheeraj Kumar was apprehended
while trying to escape after seeing the police and later he
disclosed the name of the petitioner, who fled away from the



place of occurrence. On search 171 litres country made Nepali liquor was recovered from the sacks kept on motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioner. Only on the confessional statement of co-accused Dheeraj Kumar, the petitioner has been made accused in this case. The motorcycle used in the said crime does not belong to the petitioner. The petitioner is in custody since 17.02.2026, having one criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 03, East Champaran at Motihari in connection with Ghorasahan P.S. Case No. 474 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every



date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in the trial court.

(Khatim Reza, J)

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