

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31872 of 2026

Arising Out of PS. Case No.-137 Year-2026 Thana- CHIRAIYA District- East Champaran

Rajesh Rai Son of Late Ram Ayodhya Rai @ Ram Ayodhya Ray Resident of
Village- Motnaji, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of 14 cases, out of which, 13 cases are
under the Excise Act and allegation is of recovery of 322.2 litres
of liquor from a place in front of the house of Birendra, which is
adjacent to the house of petitioner. It is next submitted that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and even alleged
recovery is from a place which does not belong to the petitioner
but then is adjacent to his house and he came to be implicated at



the instance of chowkidar with whom he is on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is further submitted that petitioner in similar manner earlier also came to be implicated in cases relating to excise.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.70,000/- (Rupees seventy thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chiraiya P.S. Case No.137/2026, subject to the conditions as laid down under Section 482(2) of the



B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than 14 cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of 14 caes, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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