

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38118 of 2026

Arising Out of PS. Case No.-87 Year-2026 Thana- MOKAMAH District- Patna

Ramagya Ray @ Ramagayan Ray Son of Nepali Ray R/O Vill- Kanhaipur,
P.S.-Mokama, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Ms. Kumari Pallavi, learned counsel for the
petitioner and Mr. Shailendra Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.02.2026, in connection with Mokama P.S. Case No. 87 of 2026, F.I.R. dated 22.02.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act and Section 25(1-B) (a), 26, 35 of the Arms Act.

3. Recovery is of 94 litres of *country made* liquor as well as one country made pistol and two live cartridges.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the conscious possession of the petitioner rather



one country made pistol and two live cartridges have been recovered from the possession of co-accused person, namely, Balo Choudhary and altogether 94.00 litres of country made liquor was recovered from the place of occurrence. She further submits that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.02.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has participated the crime in question and apart from that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise,



Barh, Patna in connection with Mokama P.S. Case No. 87 of 2026,
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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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