

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38247 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- Bathnaha District- Araria

Birendra Rai @ Virendra Ray S/o- Harilal Ray R/o Village- Gauraha Ward No
13 Sahwajpur Bhadreswar P.S-Bathnaha District - Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhav Jha, Advocate
For the Opposite Party : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-06-2026 Heard the parties.

2. The petitioner seeks anticipatory bail in connection with Bathnaha P.S. Case No.52 of 2026 registered for the offence under section 30(a) of the Bihar Prohibition and Excise Act.

3. About 10 liters of illicit Nepali liquor has been recovered from a shop, which is said to have owned by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is not the owner of the shop and he has falsely been implicated in this case. He further submits that the petitioner has clean antecedent.

5. Learned counsel for the petitioner also submits that the petitioner is ready to donate Rs.25,000/- in



some charitable organization without accepting his guilt.

6. Learned APP appearing for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case and also the submission of learned counsel for the petitioner, let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise- 1st, Araria / concerned Court below, in connection with Bathnaha P.S. Case No.52 of 2026, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure / Section 482 of the BNSS.

8. This is also subject to the condition that the petitioner shall deposit an amount of Rs.25,000/- in Ramakrishna Math, Bhatta Bazar, Purnea, and produce the receipt of the same before the Court below at the time of furnishing bail bonds. The bail bonds of the petitioner shall only be accepted after verifying the genuineness of the receipt produced by him.

9. Further, at the time of accepting the bail



bonds of the petitioner, the Court below shall verify the statement of the petitioner that he has clean antecedent. The bail bonds of the petitioner shall only be accepted if it is found that he has clean antecedent.

10. The petitioner shall also mark his attendance at Bathnaha Police Station, District- Araria on first and third Sunday of the month. Any default in appearance at the Police Station would result in cancellation of bail bonds of the petitioner.

11. It is, however, clarified that the observations made herein are limited to the adjudication of the present bail application and shall not prejudice the case of the petitioner at any subsequent stage of the trial and this Court has not expressed any opinion on the merits of the case.

(Sandeep Kumar, J)

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