

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40315 of 2026

Arising Out of PS. Case No.-14 Year-2026 Thana- KESARIA District- East Champaran

Hakim Rai @ Vikesh Yadav S/o Hajari Rai R/o Vill- Kadhan Diyara, Ward
No. 9, P.S.- Kesariya, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-07-2026 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Kesariya P.S. Case No. 14 of 2026, lodged on 13/01/2026, under Sections 274/275 of the Bhartiya Nyay Sanhita, 2023 and under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. Total recovery of 400 litres of country made liquor has been made which is the subject matter of this case. The allegation of



two thousand litres of raw wine has also been made, which was destroyed.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is in custody since 27/04/2026. Counsel submits that the criminal antecedent of the petitioner is not clean as there is 4 criminal cases pending against him in which he is on bail. Counsel submits that recovery is not made from his possession rather on the statement of *chaukidaar*, name of the petitioner has been figured in this case. Counsel submits that on the earlier occasion antecedent report was called for, which has been received. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent report of the petitioner was called for. Counsel submits that the same case for which statement has been made in paragraph-3 has come in the antecedent report.

6. In that view of the matter, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section



2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court No.3, Civil Court, East Champaran, Motihari, in connection with Kesariya P.S. Case No. 14 of 2026 subject to the conditions as laid down U/s 480(3) of the BNSS, 2023 with further condition which states as follows:

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) 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 antecedent, 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.

(Dr. Anshuman, J)

Mkr./Anshuman/

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