

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42181 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- KESARIA District- East Champaran

Kirani Rai Son of Jamadar Rai Resident of Village- Kadhan, P.S.- Kesariya,
District- 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. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kesariya P.S. Case No. 36 of 2026 registered for the alleged offences under Sections 274 and 275 of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, secret information was received about the petitioner manufacturing country made liquor and selling it. A raid was conducted at the identified place and recovery of 77 liters of country made *chulai* liquor was made from the said place and a person fled away when the raid was being conducted. The petitioner is said to be the person who escaped from the spot.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of the petitioner who was not apprehended from the spot. The petitioner has no concern with the place of recovery and it is an open place which is accessible to public at large. Learned counsel further submits that the petitioner is having antecedent of 10 cases and due to his criminal antecedent, he has been made accused in the present case. The petitioner is in custody since 07.05.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 3, East Champaran at Motihari/court concerned in connection with Kesariya P.S. Case No. 36 of



2026, subject to the conditions mentioned in Section 480(3) of
BNSS and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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