

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42217 of 2026

Arising Out of PS. Case No.-174 Year-2026 Thana- TURKAULIYA District- East
Champaran

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Naga Rai S/o Late Jyotik Rai Resident of village - Shankar Saraiya, P.S.-
Turkauliya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner has prayed for regular bail in connection with Turkauliya P.S. Case No. 174 of 2026 instituted for the offence under Sections 274, 275, 123, 105, 110, 111(2), 61(2) of BNS and Sections 33, 34(a), 34(b), 34(b)(i), 34(b)(ii), 34(b) (iii), 34(b) (iv) and 36 of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that one Dinesh Yadav and Pramod Yadav have consumed liquor at the house of this petitioner after that, they went to their house. On next day, Pramod was not feeling well and was rushed to Sadar Hospital, Motihari and it was informed that other persons also consumed



liquor with Pramod Yadav and they were also having health issues and were rushed to Sadar Hospital, Motihari. During course of treatment, Pramod Yadav died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has further submitted that from perusal of the FIR, it is clear that informant Dinesh Yadav and others have also consumed liquor but only Pramod Yadav has died. It has also been submitted that during course of investigation, one Khalifa Yadav has given his confessional statement and he has stated that he has sold the liquor to this petitioner. From perusal of the postmortem report, it transpires that the doctor conducting the autopsy of the deceased has not found any ante-mortem injury on the person of the deceased and the viscera was preserved. Learned counsel has further submitted that the liquor which was being consumed by the deceased was purchased by the petitioner from Khalifa and Khalifa himself has purchased the liquor from Sunil. Moreover, the petitioner is languishing in judicial custody since 04.04.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard the learned counsel for the parties



and considering the fact that in this case, the Viscera was preserved but FSL report is not available as yet. In such, circumstances, the cause of death is not clear and without the FSL report, there can be no definite opinion regarding death, as such, I am not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

7. However, the petitioner may be at liberty to renew his prayer for bail after receipt of the FSL report.

(Ashok Kumar Pandey, J)

Shubham/-
Sneha/-

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