IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60544 of 2026

CNR No. BRHC010866532026

Arising Out of PS. Case No.-121 Year-2026 Thana- Raghunathpur District- East Champaran

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Rama Devi W/O Devendra Sahni R/O Village- Hardiya, P.S.- Raghunathpur, Distt.- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 60634 of 2026

CNR No. BRHC010866532026

Arising Out of PS. Case No.-121 Year-2026 Thana- Raghunathpur District- East Champaran

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Zimbu Baitha @ Zambu Baitha Son of Tufani Baitha Resident of Village- Hardiya, P.S.- Raghunathpur, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 60544 of 2026)
For the Petitioner/s : Mr. Aditya Raj Singh, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP
(In CRIMINAL MISCELLANEOUS No. 60634 of 2026)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 20-11-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act and Sections 274, 275, 123

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and 110 of BNS.

3. The case of the prosecution is that from the possession of petitioner, namely, Jimbu Baitha, altogether 25 liters of illicit spirit was recovered. It is further alleged that in his confessional statement, he has confessed that due to spurious spirit, certain persons have died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Learned counsel for the petitioners has submitted that nothing has been recovered from the conscious possession of the petitioners. Learned counsel has submitted that this case is with regard to recovery of illicit spirit. The name of petitioner, namely, Rama Devi has transpired on the basis of confessional statement of co-accused petitioner Jimbu Baitha. Save and except his statement and recovery of illicit spirit from petitioner, namely, Jimbu Baitha, there is nothing against both the petitioners. The witnesses of the seizure list are police personnel and police have not complied Section 105 of BNSS while preparing seizure list. Moreover, they are languishing in judicial custody since 29.05.2026 and 04.04.2026 respectively.

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

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submitted that petitioners are having criminal antecedent of one case and two cases respectively.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Raghunathpur P.S. Case No. 121 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, East Champaran, Motihari with following conditions:-

(i) The petitioner shall cooperate in trial and shall remain physically present in the trial court on each and every fixed date.

(ii) One of the bailors should be close relative of the petitioner.

(iii) Petitioner is also directed not to indulge himself in similar nature of offences in future.

(Ashok Kumar Pandey, J)

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