IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60849 of 2026

CNR No. BRHC010870032026

Arising Out of PS. Case No.-122 Year-2026 Thana- Raghunathpur District- East Champaran

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Naga Rai Son of Late Jyotik Rai Resident of Village- Shankar Saraiya Parasauna, P.S.- Turkauliya, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 61078 of 2026

CNR No. BRHC010870032026

Arising Out of PS. Case No.-122 Year-2026 Thana- Raghunathpur District- East Champaran

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Sadhu Sah Son of Kailash sah Resident of village- Shankar Saraiya Kaswa Tola, P.S.- Turkauliya, District- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 60849 of 2026)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP
(In CRIMINAL MISCELLANEOUS No. 61078 of 2026)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Natm, 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 Section 274, 275, 123

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and 110 of BNS.

3. The case of the prosecution is that 25 liters of illicit spirit was recovered from the possession of Jimbu Baitha and 4.8 liters of spirit was recovered near Dhanauti River on his disclosure.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are not named in the FIR rather their name has come on the basis of confessional statement of co-accused Jimbu Baitha and petitioner, namely, Naga Rai has also confessed his guilt. Save and except confessional statement, there is nothing against the petitioners. Learned counsel for the petitioners has submitted that nothing has been recovered from the possession of the petitioners. Learned counsel has submitted that the witnesses of the seizure list are police personnel and police has not complied Section 105 of BNSS while preparing seizure list. Moreover, they are languishing in judicial custody since 09.06.2026 and 17.06.2026 respectively.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that petitioners are having criminal antecedent of three cases and eleven cases respectively.

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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. 122 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.

(i) The petitioners 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 petitioners.

(iii) Petitioners are also directed not to indulge themselves in similar nature of offences in future.

(Ashok Kumar Pandey, J)

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