IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77184 of 2026

CNR No. BRHC011113882026

Arising Out of PS. Case No.-404 Year-2026 Thana- HARSIDHI District- East Champaran

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Chhotelal Ram Son of Late Jangi Ram Resident of Village - Manikpur, Ward No. 15, P.S.- Harsidhi, District - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Harsidhi P.S. Case No. 404 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegedly, on the tip-off, the petitioner was apprehended and on search, 100 litres of country-made liquor were allegedly recovered from two plastic sacks concealed behind bushes near *Shravani Mela* at village *Murarpur*.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the petitioner was neither apprehended at the spot nor was any incriminating

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article recovered from his conscious possession. He has also submitted that during course of the investigation, not a single independent witness came forward to support the prosecution case. It has further been contended that the petitioner has been implicated in the present case due to the high-handedness of the local police. Learned counsel has next submitted that the provisions of Section 103 and 105 of the BNSS have not been complied with. He has further submitted that the petitioner has clean antecedent and, has been in judicial custody since 19.08.2026. He undertakes that the petitioner shall cooperate with the investigation and trial and shall not repeat any offence of similar nature.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and circumstances of the case, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1/concerned Court, East Champran at Motihari in connection with Harsidhi P.S. Case No. 404 of 2026, subject to the following conditions:-

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(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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