IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81025 of 2026

CNR No. BRHC011156962026

Arising Out of PS. Case No.-467 Year-2023 Thana- CHIRAIYA District- East Champaran

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Daroga Rai @ Daroga Ray Son of Rudal Rai Resident of Village- Mohaddipur @ Mohadipur, P.S.- Chiraiya, District- East Champaran (Bihar)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 19-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Chiraiya P.S. Case No. 467 of 2023 registered for the offence punishable under Sections 272, 273 of IPC and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 20 litre illicit liquor was recovered from furnace of liquor. Local chaukidar disclosed the name of the petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has been falsely implicated in this case

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just because he has inimical term with the local chaukidar. Petitioner is in custody since 03.09.2026 and he bears criminal antecedent of four cases out of which petitioner is on bail in three cases. He further submits that the alleged article was neither recovered from the conscious possession of the petitioner nor from his house. Seizure list has not been prepared as per law. Petitioner has nothing to do with the alleged recovery. Petitioner was not apprehended at the place of occurrence. Except disclosure of the local chaukidar, there is nothing on record to connect the present petitioner with the alleged occurrence. Hence, the petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused and he was apprehended on the spot. Hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.- 01, East

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Champaran, Motihari in connection with Chiraiya P.S. Case No. 467 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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