

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58772 of 2025

Arising Out of PS. Case No.-251 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

1. Kanhaiya Upadhyay@ Kanaiya Upadhyay S/O Baban Upadhyay Residents of Uchhahal Tola, Police Station- Thawe, District- Gopalganj, Bihar.
2. Raushan Upadhyay S/O Kanhaiya Upadhyay Residents of Uchhahal Tola, Police Station- Thawe, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 11-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Kuchaikote P.S. Case No. 251 of 2025 for the offences registered under Section 30(a) of the Bihar Prohibition & Excise Act.

3. There is recovery of 303 litre country made liquor from a Maruti Suzuki Car bearing Registration No. BR1C 0189. Petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. It is submitted that nothing has been recovered from the



conscious possession of the petitioners. Petitioners have no concern with the seized liquor. There is no compliance of Section 103 of B.N.S.S. in preparation of seizure-list. Petitioner No. 1 has no criminal antecedent whereas Petitioner No. 2 has one criminal antecedent which does not belong to Excise Act. They are in custody since 17.06.2025.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioners.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioners, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-IV-cum-Exclusive Spl. Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 251 of 2025.

(Sunil Dutta Mishra, J.)

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