

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62208 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Raushan Kumar S/O- Dhaneshwar Prasad Yadav @ Dhaneshwar Prasad R/O
Vill- Reganiya, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kundwa Chainpur P.S. Case No. 155 of 2025 registered for the alleged offences under Section 317(5) of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, the petitioner was found transporting 126 liters of country made Nepali liquor on his motorcycle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the



conscious possession of the petitioner. The search and seizure has not been made following the mandatory provisions of law and there is violation of Section 103 of BNSS. Learned counsel further submits that the motorcycle from which recovery has been shown does not belong to this petitioner. The petitioner has got no criminal history and in custody since 06.06.2025. Charge-sheet has been submitted against the petitioner.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 03, East Champaran at Motihari/court concerned in connection with Kundwa Chainpur P.S. Case No. 155 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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