

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66138 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- EXCISE DANAPUR District- Patna

Rupesh Kumar S/o Siya Rai R/o Village - Sawali Chak (Sahalichak), P.S -
Maner, District - Patna, State - Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar, Advocate Ms. Shalini, Advocate Mr. Sanjeev Kumar Sharma, Advocate Mr. Khalid Quraishi, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Special Case No. 535 of 2025, arising out of Excise Danapur P.S. Case No. 115 of 2025 registered for the alleged offences under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act.

3. As per prosecution case, from an Auto rickshaw driven by the petitioner, recovery of 200 liters of illicit liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the driver of the Auto rickshaw and was



arrested in this case merely on suspicion. There is no independent witness to the search and seizure and there is complete violation of Section 103 of BNSS. The petitioner has no knowledge about the seized articles being kept in the Auto rickshaw. The petitioner is having clean antecedent and he is in custody since 14.02.2025 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner, his clean antecedent and 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 Special Excise Judge, Danapur, Patna/concerned Court in connection with Excise Danapur P.S. Case No. 115 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also 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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