

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85269 of 2025

Arising Out of PS. Case No.-204 Year-2025 Thana- KACCHWA District- Rohtas

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1. Jaishankar Upadhyay S/o- Vinod Upadhyay Resident- Osaon, P.s.- Kachchawa, District- Rohtas.
 2. Raja Kumar S/o-Satendra Ram Resident- Mednipur, P.s.-Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kachchawa P.S. Case No. 204 of 2025, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 63 liters of country made liquor was recovered from Tempu. Petitioners were arrested on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners submits that petitioner no.1 was sitting as a passenger of the seized vehicle and petitioner no.2 was driver of the seized vehicle and they had no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 13.10.2025 and have got clean antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the **petitioner no.2** namely, **Raja Kumar** be released on bail *after framing of charge, if not already framed* and **petitioner no.1** namely, **Jaishankar Upadhyay** be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kachchawa P.S. Case No. 204 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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