

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12147 of 2026

Arising Out of PS. Case No.-389 Year-2020 Thana- KOTWA District- East Champaran

Rupesh Yadav S/o Tulan Yadav @ Tulan Rai Resident of village -
Lakshamanwa, P.s.- Kotwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
Ms. Hansha Shashwat, Advocate
For the Opposite Party/s : Mr.Anish Chandra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 389 of 2020, instituted for the offences punishable
under Sections 272 and 273/34 of the I.P.C. and Section 30(a) of
the Bihar Prohibition and Excise Act. Earlier, anticipatory bail
application of the petitioner was rejected vide order dated
15.02.2022 passed in Criminal Miscellaneous No. 18474 of
2021.

3. The prosecution case, in short, is that total 800
liters of spirit was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of spirit. Learned counsel for the petitioner further submitted that the recovery has been made from joint house of the petitioner, where other family members also reside. Learned counsel for the petitioner further submits that other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 18097 of 2021. The petitioner is in custody since 20.11.2025 and has got no criminal 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 petitioner.

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

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S. Case No. 389 of 2020.

(Rudra Prakash Mishra, J)

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