

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25414 of 2026

Arising Out of PS. Case No.-525 Year-2025 Thana- RAMGARHWA District- East
Champaran

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Rupesh Kumar @ Tufan Sahani @ Tufani Sahani @ Rupesh Kr. Sahani S/o
Kanhai Sahani @ Kanhai Sahani @ Gauri Sahani R/V.- Muswa, Bherihari
Bhedihari, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2026 Heard Mr. Kundan Rathore, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.03.2026 in connection with Ramgarhwa P.S. Case
No.525/2025, F.I.R. dated 30.12.2025 for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act and Section 274 and 275 of the B.N.S.

3. Recovery is of 70 liters of country made liquor from
the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing has been recovered from the conscious possession of the petitioner. As per the FIR, the petitioner has fled away from the place of occurrence and local *chowkidar* identified the petitioner saying that he is the person who has fled away from the place of occurrence. The seizure list witnesses are police personnel and there is non-compliance of Sections 103 and 105 of the BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.11.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries six criminal antecedents but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Excise Court No.3/ Concern Court, Motihari, East Champarn in connection with Ramgarhwa P.S. Case No.525/2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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