

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29626 of 2026

Arising Out of PS. Case No.-137 Year-2025 Thana- AURAI District- Muzaffarpur

Rupesh Kumar @ Pauwa S/o Sakaldev Ray R/o Village - Devkuli, PS - Aurai,
District – Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashish Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026

Heard Mr. Ashish Kumar, learned counsel for the petitioner and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 18.03.2026 in connection with Aurai P.S. Case No. 137 of 2025, F.I.R. dated 26.06.2025 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 2369.960 liters of illicit country made foreign liquor.

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 rather the recovery has been made from beside the road at Bharthua dam and the petitioner has



no role at all in the present occurrence and his name transpired on the basis of disclosure made apprehended co-accused person and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that seizure list witnesses are police personnel so there is non-compliance of Section 103 and 105 of BNSS. He next submits that and similarly situated co-accused, namely, Raushan Sahni @ Raushan Kumar @ Raushan Sahni has been granted the privilege of bail by this Court vide order dated 24.03.2026 in Cr. Misc. No. 18378 of 2026 and another co-accused, Vikku Sahni @ Vikcy Kumar @ Vikcy Sahni has been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 17.10.2025 in Cr. Misc. No. 73724 of 2025. The petitioner is in custody since 18.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the three cases.

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 Exclusive Special Excise Court No.-II, Muzaffarpur in connection with Aurai P.S. Case No. 137 of 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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