

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39204 of 2026

Arising Out of PS. Case No.-233 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Rupesh Kumar @ Andwa S/O Satrudhan Prasad @ Satrugan Prasad R/O
Vill.- Islampur Patel Chawk, P.S- Dhaka, Dist - East Champaran

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short is that from road side, altogether 212.1 liters of illicit Nepali country made liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of this petitioner. It has further been submitted that the witnesses of the seizure list are police



personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. It has further been submitted that as the petitioner is having criminal antecedent of 15 cases out of which 9 are of similar nature, he has been framed in this case by the police. He is languishing in judicial custody since 14.10.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kundwachainpur P.S. Case No. 233 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran, Motihari **with the following conditions:-**

(i) The petitioner shall cooperate in the trial and shall remain physically present on each and every fixed date in the learned trial court.

(ii) He shall also mark his attendance weekly at Dhaka P.S.



7. Office is directed to communicate this order to the
Superintendent of Police, East Champaran, Motihari.

(Ashok Kumar Pandey, J)

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